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## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Adminis- tration, Department of Agriculture

[FHA Instruction 410.1]

#### PART 301—RECEIVING AND PROC- ESSING APPLICATIONS

The title of Part 301, Title 6, Code of Federal Regulations (20 F.R. 601, 22 F.R. 1479, 4011) is revised to read as set forth above and Subparts A and B are revoked and the material therein is consolidated and revised to read as follows:

- Sec.  
301.1 General  
301.2 Receiving applications  
301.3 Processing applications  
301.4 Reaching an understanding  
301.5 Persons entitled to veterans' prefer-  
ence

**AUTHORITY:** §§ 301.1 to 301.5 issued under R.S. 161, secs. 41, 6, 50 Stat. 523, as amended, 870, sec. 510, 63 Stat. 437, sec. 10, 68 Stat. 735; 5 U.S.C. 22, 7 U.S.C. 1015, 16 U.S.C. 590w, 42 U.S.C. 1477, 16 U.S.C. 590x-3. Provisions in-  
terpreted or applied are cited to text in parentheses.

#### § 301.1 General.

This part prescribes the policies and procedures for receiving and processing loan applications and for informing applicants and other interested individuals relative to the services of the Farmers Home Administration and credit available from other credit sources.

(a) The County Supervisor is responsible for seeing that all persons making inquiry about Farmers Home Administration services are given information relative to such services.

(b) Wherever the term "applicant" appears herein, it shall be construed to mean applicant family.

(c) Receiving and processing applications for subsequent Operating loans, Soil and Water Conservation loans to associations, subsequent Emergency loans, and Special Livestock loans will be handled in accordance with Parts 342, 354, 381, and 384, respectively, of this chapter.

#### § 301.2 Receiving applications.

Applications for Farmers Home Administration assistance will be filed in the County Office serving the area in which the farm to be operated or improved is located; however, if an applicant for an Emergency loan will operate two or more farm units in different counties, his application ordinarily will be filed in the County Office serving the county in which he resides.

(a) The filing of written applications should be encouraged even though funds may not be currently available since applications will be considered in the order received.

(b) Form FHA-197, "Application for FHA Services," will be used by all applicants unless otherwise provided in the authorities referred to in paragraph (c) of § 301.1.

(c) Supervisory personnel will discuss with each applicant the type(s) of assistance that appears best suited to his particular needs. If after discussing with the applicant his credit needs it appears that he may be able to obtain credit to meet his needs from some other credit source, the County Supervisor should inform him of the availability of such credit and provide him with needed assistance in contacting the credit agency.

#### § 301.3 Processing applications.

(a) Applications will be investigated and submitted to the County Committee for consideration and otherwise processed in the order received except as modified by veterans' preference policies. The County Supervisor will verify the information furnished by the applicant and assemble additional information needed to evaluate properly the applicant's qualifications and credit needs. The County Supervisor will furnish the County Committee before the application is considered, as a minimum, information on the following:

(1) The applicant's reputation for honesty and meeting his obligations. This will include specific information as to the experiences and opinions of others concerning the applicant and the sources of the information.

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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 7, Part 960 to end (\$2.25)  
Title 16 (\$1.75)  
Title 50 (\$0.75)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50, Rev. Jan. 1, 1959 (\$4.00); Parts 51-52, Rev. Jan. 1, 1959 (\$6.25); Parts 900-959 (\$1.50); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 10-13, Rev. Jan. 1, 1959 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 18 (\$0.25); Title 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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(2) The applicant's financial condition in relation to the requirements of local creditors, and the efforts that have been made and the results of the applicant's efforts to obtain credit to meet his needs from other credit sources. If the applicant has obtained financing from other creditors in substantial amounts, careful consideration should be given to the possibility of his being able to continue to obtain credit from such sources.

(3) If the applicant will operate the farm, specific information concerning his farm training and experience.

(4) For Operating loans, the size and quality of the particular farm which the applicant will operate, the approximate acreages of crop and pasture lands, the types and conditions of buildings, and the suitability of the farm for the proposed type farming operations. For other types of loans, any available information as to the suitability of the applicant's farm.

(5) The other resources available to the applicant and the approximate amount of credit which will be required.

(6) Any adverse health conditions.

(b) The County Supervisor will analyze the applicant's loan request, giving careful consideration to his experience, abilities, resources, and credit needs, and will tentatively determine which type(s) of Farmers Home Administration loans will most effectively meet the applicant's needs.

(c) After tentatively determining which type(s) of loan(s) will most effectively meet the applicant's needs, the County Supervisor will present the application to the County Committee for consideration. The Committee will interview applicants whenever it is con-

sidered necessary for arriving at proper recommendations. This will be done by having the applicant appear at the Committee meeting. After the interview with the applicant is completed and all pertinent facts have been considered, the Committee, in the absence of the applicant, will take action on the application.

(d) The County Supervisor will take the following action immediately after the County Committee's decision regarding the applicant's qualifications:

(1) If the Committee action is favorable, the County Supervisor will proceed promptly in accordance with the applicable loan processing instructions. When favorable action has been taken on an application, the applicant will be notified. Care should be exercised to be sure that the applicant understands that Committee action does not constitute approval of his loan. In notifying the applicant of favorable Committee action, the County Supervisor also, when practicable, will arrange a meeting with the family to proceed with developing the loan docket.

(i) In the case of a Farm Ownership applicant who has not selected a farm but who, in the opinion of the County Committee, is otherwise eligible, the County Supervisor will notify the applicant that preliminary action has been taken on his application but final action will be delayed until he has located and obtained an option on a satisfactory farm. In such a case further loan processing actions will not be taken until the applicant has located a farm.

(ii) In the case of tenant applicants for Operating and Emergency loans, who have not yet leased a farm at the time the application is presented to the Committee, but who, in the opinion of the Committee, are otherwise qualified, the County Supervisor will notify the applicant that final Committee action will be delayed until further information is received concerning the farm to be operated.

(2) When the applicant has been determined eligible for assistance but it is found that a sound loan cannot be made, the discussion between the County Supervisor and the applicant should result in a clear understanding of the reasons why a loan cannot be made. A brief letter confirming the discussion and conclusions should be sent.

(3) If the Committee's action is unfavorable, the County Supervisor will notify the applicant in writing specifically of the actions taken and the reasons therefor and will extend an invitation to call at the County Office for the purpose of discussing in detail with the County Supervisor the reasons for the rejection and, when appropriate, the corrective actions the applicant may take to qualify.

(e) Those applications received when loan funds are not available for processing loans will be investigated and presented to the County Committee for consideration. Applicants who are ineligible will be advised accordingly. Those for whom Committee action is favorable will be notified that funds are presently exhausted but that their applications will be held for consideration until funds are available. When funds become

available for processing loans to such applicants, they will be notified by letter that funds are available. Such notice to the applicant will also provide that he should advise the County Office within 15 days if he is still interested in obtaining the loan originally applied for; otherwise, his application may be withdrawn. If the applicant still indicates a desire to obtain a loan, the County Supervisor will review the application with him and if there have been any significant changes that would affect the eligibility of the applicant, the County Supervisor will obtain necessary current information and present the application to the County Committee for reconsideration.

(f) Applications will remain in effect until withdrawn, disapproved, expired, or the loan is made. An applicant may voluntarily withdraw his application at any time. When a loan will not be made for such reasons as the applicant's obtaining credit from another source, lack of further interest on the part of the applicant, or similar justifiable reasons, the applicant will be so notified and advised that his application will be considered withdrawn unless the County Office receives a notice within 15 days that he desires further consideration.

(g) Applications for Farm Ownership loans received during any fiscal year will remain active during the remainder of that financial year and the subsequent fiscal year unless withdrawn or disapproved or unless the loan is closed. During June of each year, the County Committee in consultation with the County Supervisor will select from the expiring applications those applicants who appear to be eligible and who may wish to renew their applications. The County Supervisor will notify the applicant that it will be necessary to file a new application if he wishes further consideration for a Farm Ownership loan.

#### § 301.4 Reaching an understanding.

Farmers Home Administration lending experience has clearly demonstrated that success in helping farm families depends in large measure on reaching a thorough understanding with each applicant before a loan is approved. A proper understanding will be obtained with all applicants with respect to the basic loan making and servicing policies, the responsibilities of borrowers, and the benefits that may be expected from Farmers Home Administration assistance.

#### § 301.5 Persons entitled to veterans' preference.

Veterans' preference will be extended to any person applying for a Farm Ownership, Farm Housing, Soil and Water Conservation, or Operating loan who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served in any of such forces during (a) the period April 6, 1917, through March 31, 1921, or (b) the period December 7, 1941, through January 31, 1955. For Farm Housing loans, the



spouses and children of deceased servicemen also will be given preference. "Deceased servicemen" means men or women who died in service during one of the periods specified in this section.

(Sec. 1, 50 Stat. 522, as amended, 7 U.S.C. 1001; sec. 507, 63 Stat. 436, as amended, 42 U.S.C. 1477)

Dated: May 12, 1959.

K. H. HANSEN,  
Administrator,  
Farmers Home Administration.

[F.R. Doc. 59-4164; Filed, May 15, 1959;  
8:50 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

##### Subpart D—Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 is amended in the following respects:

a. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f) and a new paragraph (d) is added to read:

(d) The entire State of Maryland.

b. Paragraphs (f) through (cc) are redesignated as paragraphs (h) through (ee) and a new paragraph (g) is added to read:

(g) The entire State of Nevada.

c. Paragraphs (ee) through (ii) are redesignated as paragraphs (ff) through (jj), and paragraphs (dd) and (jj) relating to Maryland and Nevada, respectively, are deleted.

d. The following paragraphs are amended as follows:

1. The redesignated paragraph (s), relating to Alabama, is amended by adding Jackson County in proper alphabetical order.

2. The redesignated paragraph (u), relating to Arkansas, is amended by adding Independence, Montgomery, Perry, Polk, and Washington Counties in proper alphabetical order.

3. The redesignated paragraph (v), relating to California, is amended by adding Humboldt and Lassen Counties in proper alphabetical order.

4. The redesignated paragraph (w), relating to Colorado, is amended by adding Chaffee, Denver, and Sedgwick Counties in proper alphabetical order.

5. The redesignated paragraph (y), relating to Georgia, is amended by adding Carroll and Pike Counties in proper alphabetical order.

6. The redesignated paragraph (z), relating to Idaho, is amended by adding Adams County in proper alphabetical order.

7. The redesignated paragraph (dd), relating to Kentucky, is amended by adding Anderson and Warren Counties in proper alphabetical order.

8. The redesignated paragraph (gg), relating to Mississippi, is amended by adding Lamar County in proper alphabetical order.

9. The redesignated paragraph (hh), relating to Missouri, is amended by adding Andrew, Barry, Boone, Osage, and Ray Counties in proper alphabetical order.

10. The redesignated paragraph (ii), relating to Montana, is amended by removing Silver Bow County.

11. The redesignated paragraph (jj), relating to Nebraska, is amended by adding Hall and Madison Counties in proper alphabetical order.

12. Paragraph (kk), relating to New York, is amended by adding Cayuga, Otsego, and Washington Counties in proper alphabetical order.

13. Paragraph (mm), relating to Ohio, is amended by adding Noble County in proper alphabetical order.

e. Paragraphs (nn) through (vv) are redesignated as paragraphs (oo) through (ww) and a new paragraph (nn) is added to read:

(nn) Oklahoma: Delaware County.

f. The redesignated paragraph (oo), relating to Oregon is amended by adding Jefferson County in its proper alphabetical order.

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment deletes Silver Bow County in Montana from the list of areas designated as modified certified brucellosis-free areas, because it has been determined that such county no longer comes within the definition of § 78.1(i), and adds certain additional areas which have been determined to come within such definition.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 125; 9 CFR 78.16)

Done at Washington, D.C., this 12th day of May, 1959.

F. J. MULHERN,  
Acting Director, Animal Disease  
Eradication Division, Agricultural  
Research Service.

[F.R. Doc. 59-4162; Filed, May 15, 1959;  
8:50 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency [Amdt. 1]

#### PART 409—PROCEDURES AND RULES FOR AIRSPACE AND UTILIZATION

##### Miscellaneous Amendments

Part 409 of the Regulations of the Federal Aviation Agency, Procedures and Rules for Airspace Assignment and Utilization, was published in the FEDERAL REGISTER on May 1, 1959 (24 F.R. 3498), to become effective May 15, 1959.

It now appears desirable to add to the preamble to Part 409, and to amend § 409.11(b) in order to clarify the scope and applicability of the regulation.

In consideration of the foregoing, the following changes are hereby made to the preamble to Part 409 and § 409.11(b):

1. The following paragraph is added after the first paragraph in the preamble to Part 409:

This part is not applicable to exceptions which may be authorized under section 307(f) of the Act for military emergency or necessity.

2. In § 409.11 the introductory portion of paragraph (b) is amended to read as follows:

(b) Rules, regulations, or orders processed under these procedures are applicable within the United States, and shall be limited to the following rule making actions:

This action shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 12, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4212; Filed, May 15, 1959;  
10:53 a.m.]

[Amdt. 13]

#### PART 600—DESIGNATION OF CIVIL AIRWAYS

##### Alterations

This action is part of the airspace designations being made to establish a more direct routing of air traffic between Los Angeles, California, and San Diego,



California. It also permits the rerouting of air traffic around an area of highly concentrated military air operations associated with military amphibious operations in the vicinity of Oceanside, California. It will be made possible by reducing in size the San Diego Warning Area, W-291 (as republished in the Airman's Guide, dated May 12, 1959); the designation of additions to three airways (V25, V25E, Red 9); the minor alteration to two airways (V23, V208); the rescission of a portion of one airway (V66); the rescission of three airways (V23E, Blue 2, Blue 35); and the designation, redesignation and rescission of the control areas associated with these airways.

The action taken herein involves the designation of new portions of airways V25, V25E and Red 9; minor alterations to portions of airways V23 and V208; the rescission of a portion of airway V66; and the rescission of airways V23E, Blue 2 and Blue 35.

This matter has been coordinated with various civil aviation organizations, the Army, the Navy and the Air Force. In addition, the military operations in the Vicinity of Oceanside, California, will commence May 18, 1959. Therefore, action by that date is necessary in the interest of safety and to minimize interference with air traffic not participating in such military operations. Accordingly, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and would be contrary to the public interest.

Part 600 is amended as follows:

1. Section 600.209 is amended to read:

§ 600.209 Red civil airway No. 9 (San Diego, Calif., to Casa Grande, Ariz.).

From the INT of a line bearing 178° from the Oceanside RBN and a line bearing 275° from the San Diego RR via the San Diego, Calif., RR; INT of the east course of the San Diego RR and the west course of the El Centro RR; El Centro, Calif., RR; Yuma, Ariz., RR; INT of the east course of the Yuma RR and the west course of the Gila Bend RR; Gila Bend, Ariz., RR; to the INT of the east course of the Gila Bend RR and the northwest course of the Tucson, Ariz., RR.

§ 600.602 [Revocation]

2. Section 600.602 Blue civil airway No. 2 (San Diego, Calif., to Oceanside, Calif.) is revoked.

§ 600.635 [Revocation]

3. Section 600.635 Blue civil airway No. 35 (San Diego, Calif., to Oceanside, Calif.) is revoked.

§ 600.6023 [Amendment]

4. Section 600.6023 VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.) is amended by changing all before "Long Beach, Calif., omnirange station;" to read: "From the San Diego-Lindbergh Field, Calif., TVOR via the Oceanside, Calif., VOR; Long Beach, Calif., VOR;"

§ 600.6025 [Amendment]

5. Section 600.6025 is amended by changing the caption to read: "VOR civil

airway No. 25 (San Diego, Calif., to Ellensburg, Wash.)" and by changing all before "Oxnard, Calif., VOR;" to read: "From the San Diego-Lindbergh Field, Calif., TVOR via the Los Angeles, Calif., VOR, including an east alternate from the San Diego-Lindbergh Field TVOR to the Los Angeles VOR via the point of INT of the Long Beach VOR 186° radial with the Los Angeles VOR direct radial to the San Diego-Lindbergh Field TVOR, the Long Beach, Calif., VOR and the point of INT of the Long Beach VOR 287° with the Los Angeles VOR direct radial to the San Diego-Lindbergh, Calif., TVOR; INT of the Los Angeles VOR 257° and the Oxnard VOR 155° radials; Oxnard, Calif., VOR;"

§ 600.6066 [Amendment]

6. Section 600.6066 VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N.C.) is amended by changing all before "Yuma, Ariz., omnirange station;" to read: "From the point of INT of a line bearing 345° toward the Julian, Calif., RBN with the El Centro VOR 265° radial via the El Centro, Calif., VOR; Yuma, Ariz., VOR;"

7. Section 600.6208 is amended to read:

§ 600.6208 VOR civil airway No. 208 (Los Angeles, Calif., to Peach Springs, Ariz.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 185° and the Oceanside VOR 280° radials; Oceanside, Calif., VOR; point of INT of the Oceanside VOR 101° and the San Diego-Lindbergh Field, Calif., TVOR 044° radials; Thermal, Calif., VOR; Twenty-nine Palms; Calif., VOR; Needles, Calif., VOR; to the Peach Springs, Ariz., VOR.

This amendment shall become effective 0001 e.s.t. May 18, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.)

Issued in Washington, D.C., on May 14, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4187; Filed, May 15, 1959; 8:50 a.m.]

[Amdt. 13]

**PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS**

**Alterations**

This action is part of the airspace designations being made to establish a more direct routing of air traffic between Los Angeles, California, and San Diego, California. It also permits the rerouting of air traffic around an area of highly concentrated military air operations associated with military amphibious operations in the vicinity of Oceanside, California. It will be made possible by reducing in size the San Diego Warning

Area, W-291 (as republished in the Airman's Guide, dated May 12, 1959); the designation of additions to three airways (V25, V25E, Red 9); the minor alteration to two airways (V23, V208); the rescission of a portion of one airway (V66); the rescission of three airways (V23E, Blue 2, Blue 35); and the designation, redesignation and rescission of the control areas associated with these airways.

The action taken herein involves the adjustment of the control areas associated with the changes relating to civil airways V25, V25E, Blue 2 and Blue 35. Adjustments to control areas associated with the changes relating to civil airways Red 9, V23, V23E, V66 and V208 are made automatically by the concurrent action relating to such airways, appearing in Amendment 13 to Part 600 of the Regulations of the Administrator, Designation of Civil Airways.<sup>1</sup>

This matter has been coordinated with various civil aviation organizations, the Army, the Navy and the Air Force. In addition, the military operations in the vicinity of Oceanside, California, will commence May 18, 1959. Therefore, action by that date is necessary in the interest of safety and to minimize interference with air traffic not participating in such military operations. Accordingly, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and would be contrary to the public interest.

Part 601 is amended as follows:

§ 601.602 [Revocation]

1. Section 601.602 Blue civil airway No. 2 control areas (San Diego, Calif., to Oceanside, Calif.) is revoked.

§ 601.635 [Revocation]

2. Section 601.635 Blue civil airway No. 35 control areas (San Diego, Calif., to Oceanside, Calif.) is revoked.

§ 601.4602 [Revocation]

3. Section 601.4602 Blue civil airway No. 2 (San Diego, Calif., to Oceanside, Calif.) is revoked.

§ 601.4635 [Revocation]

4. Section 601.4635 Blue civil airway No. 35 (San Diego, Calif., to Oceanside, Calif.) is revoked.

5. Section 601.6025 is amended to read:

§ 601.6025 VOR civil airway No. 25 control areas (San Diego, Calif., to Ellensburg, Wash.).

All of VOR civil airway No. 25, including east alternates and also a west alternate.

This amendment shall become effective 0001 e.s.t. May 18, 1959.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 14, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4188; Filed, May 15, 1959; 8:50 a.m.]

<sup>1</sup> See F.R. Document 59-4187, *supra*.



[Amdt. 116]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ETP "H"	OZR LFR	Direct	1600	T-dn	300-1	300-1	200-1½
DHN LFR	OZR LFR	Direct	1700	C-dn	400-1	500-1	500-1½
DHN TVOR	OZR LFR	Direct	1700	S-dn	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 240° Outbnd, 060° Inbnd, 1600' within 10 mi. Nonstandard due airway South.

Minimum altitude over facility on final approach crs, 900'.

Crs and distance, facility to airport, 060°—3.2 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left and climb to 1600' proceeding to ETP "H" via NW crs OZR LFR.

NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Ft. Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305'; Fac. Class, MRLZ; Ident., OZR; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 May 59

MOT VOR	MOT LFR	Direct	3000	T-dn	300-1	300-1	200-1½
Logan Int.	MOT LFR (Final)	Direct	2400	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
The following minimums apply for aircraft receiving Minot VOR, after passing MOT VOR R-222:							
				C-dn*	500-1	500-1	500-1½
				S-dn-30*	400-1	400-1	400-1

Procedure turn E side of SE crs, 122° Outbnd, 302° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 2400'.

Crs and distance, facility to airport, 305°—2.9.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles of MOT LFR, or within 1.5 miles after passing MOT VOR R-222, climb to 3500' on NW crs within 20 miles of MOT LFR.

NOTE: ADF approach not authorized.

CARRIER: 2045' MSL antenna 1.6 mi West of MOT LFR. 1900' MSL water tower 1.0 mi West of airport.

\*Int SE crs MOT LFR and MOT VOR R-155.

\*Descent below 2900' NA until after passing MOT VOR R-222.

City, Minot; State, N. Dak.; Airport Name, Port O'Minot; Elev., 1723'; Fac. Class, BMRLZ; Ident., MOT; Procedure No. 1, Amdt. 6; Eff. Date, 30 May 59; Sup. Amdt. No. 5; Dated, 17 July 54

Montgomery VOR	MXF-LFR	Direct	1700	T-dn	300-1	300-1	200-1½
Radar Terminal Area transition altitudes		Within 15 mi.	2000	C-dn	400-1	500-1	500-1½
		Within 30 mi.	3000	S-d-15*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 360° Outbnd, 180° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 163°—4.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 1500' on SW crs within 20 miles.

\*Night operation Runway 15-33 NA due lack of obstruction and runway lights.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, SBRAZ; Ident., MXF; Procedure No. 1, Amdt. 11; Eff. Date, 30 May 59; Sup. Amdt. No. 10; Dated, 14 June 53

Palacios VOR	PSX-LFR	Direct	1200	T-d	300-1	300-1	200-1½
				C-d	400-1	500-1	500-1½
				A-d	800-2	800-2	800-2

Procedure turn W side NW crs, 298° Outbnd, 118° Inbnd, 1400' within 10 miles. Beyond 10 miles not authorized.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport 111°—1.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, climb to 1200' on SE crs within 20 miles.

AIR CARRIER NOTE: Night operations not authorized.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13'; Fac. Class, BMRLZ; Ident., PSX; Procedure No. 1, Amdt. 3; Eff. Date, 30 May 59; Sup. Amdt. No. 2; Dated 15 Jan. 54



## 2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GLS-VOR.....	GLS HHW.....	Direct.....	1300	T-dn..... C-dn..... S-dn-13..... A-dn.....	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1 500-1 400-1 800-2

Procedure turn S side of crs, 303° Outbnd, 123° Inbnd, 1600' within 10 mi. Beyond 10 mi. NA.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 123°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, climb to 1300' on crs of 123° within 15 mi.

CAUTION: 231' MSL radio tower 7000' NE of airport.

City, Galveston; State, Tex.; Airport Name, Municipal; Elev., 7'; Fac. Class, HHW; Ident., GLS; Procedure No. 1, Amdt. 1; Eff. Date, 30 May 59; Sup Amdt. No. Orig.; Dated, 1 June 58

MXF LFR.....	LOM.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1
MGM VOR.....	LOM.....	Direct.....	1500	C-dn.....	400-1	500-1	500-1
Craig Int.....	LOM (Final).....	Direct.....	1700	S-dn-9.....	400-1	400-1	400-1
Calhoun Int.....	LOM.....	Direct.....	1500	A-dn.....	800-2	800-2	800-2
Swift Creek Int.....	LOM.....	Direct.....	1500				
Sellers Int.....	LOM.....	Direct.....	2500				
Radar Terminal Area Transition Altitudes.....		Within 15 mi.....	2000				
		Within 30 mi.....	3000				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700' within 10 mi. Beyond 10 mi. NA.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 093°—5.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi after passing LOM, climb to 2000' on crs of 093° from LOM within 15 mi or, when directed to ATC, climb to 1800' on R-127 MGM-VOR within 20 mi.

CAUTION: Tower 987' MSL, 8 mi East.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, LOM; Ident., MG; Procedure No. 1, Amdt. 1; Eff. Date, 30 May 59; Sup Amdt. No. Orig.; Dated, 21 June 58

SJU VOR.....	SJP RBN.....	Direct.....	1500	T-dn.....	300-1	300-1	200-1
SJU HH.....	SJP RBN.....	Direct.....	1500	C-dn.....	600-1	600-1	600-1
Coral Int.....	SJP RBN.....	Direct.....	1500	A-dn.....	800-2	800-2	800-2

Procedure turn \*N side of crs, 288° Outbnd, 108° Inbnd, 1500' within 10 mi.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 074°—4.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi after passing SJP RBN, climb to 1000' on crs of 074° within 20 mi.

CAUTION: 330' radio tower 1.9 mi S of airport.

\*Nonstandard due to high terrain on S side of crs.

City, San Juan; State Puerto Rico; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class, MH; Ident., SJP; Procedure No. 1, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1; Dated, 27 Dec. 58

Chatham RBN.....	EB LMM.....	Direct.....	2000	T-dn.....	300-1	300-1	300-1
Newark LOM.....	EB LMM.....	Direct.....	1800	C-dn.....	1000-1	1000-1	1000-1
Paterson RBN.....	EB LMM.....	Direct.....	2000	A-dn.....	1000-2	1000-2	1000-2

Radar sectors may be utilized to effect the above transitions.

Procedure turn W side of crs, 239° Outbnd, 059° Inbnd, 1800' within 10 mi of OM.

Minimum altitude over EB LMM on final approach, 1400'.

Crs and distance, OM to airport, 059°—4.1.

Crs and distance, EB-LMM to airport, 059°—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mi after passing EB-LMM, make a climbing left turn to 2000' on direct crs to Paterson RBN.

CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.

MAJOR CHANGES: Deletes transition from CDW-VOR.

#Descent to airport minimums authorized after passing OM; if OM not received maintain 1400'.

City, Teterboro; State, N. J.; Airport Name, Teterboro; Elev., 7'; Fac. Class, LMM; Ident., EB; Procedure No. 1, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1; Dated, 7 May 58

Lake Tyler Int.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1
White House Int.....	LOM.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1
Mt. Sylvan Int.....	LOM.....	Direct.....	1800	S-dn-13..... A-dn.....	400-1 800-2	400-1 800-2	400-1 800-2

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 1800' within 10 mi. Beyond 10 mi NA.

Minimum altitude over LOM inbnd final, 1300'.

Crs and distance, facility to airport, 127°—4.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 2000' on crs 127° within 20 miles.

City, Tyler; State, Tex.; Airport Name, Pounds Field; elev., 544'; Fac. Class, LOM; Ident., TY; Procedure No. 1, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1 (ADF portion of Comb. ILS-ADF); Dated, 17 Dec. 55



### 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

#### VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Galveston HHW-----	GLS-VOR-----	Direct-----	1100	T-dn----- C-dn----- S-dn-13----- A-dn-----	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-1 1/2 400-1 800-2

Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 2200' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 1100'. Minimum altitude abeam HHW on final approach crs, 600'.

Crs and distance, facility to airport, 111-7.5; abeam HHW, 111°-4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 mi, climb to 1300' on R-111 within 15 mi.

CAUTION: 231' MSL radio tower 7000' northeast of airport.

\*Descent below 600' NA until position abeam GLS HHW (011° brg to HHW) identified.

City, Galveston; State, Tex.; Airport Name, Municipal; Elev., 7'; Fac. Class, BVOR; Ident., GLS; Procedure No. 1, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1; Dated, 19 May 56

Maxwell LFR-----	MGM-VOR-----	Direct-----	1700	T-dn-----	300-1	300-1	200-1/2
Radar Terminal Area transition altitude-----		Within 15 mi-----	2000	C-dn-----	400-1	500-1	500-1 1/2
		Within 30 mi-----	3000	S-d-33-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

Procedure turn E side crs, 138° Outbnd, 318° Inbnd, 1700' within 10 miles.

Minimum altitude over facility on final approach crs, 1200'.

Crs and distance, facility to airport, 318-5.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles, climb to 1700 on R-318 within 20 miles of VOR.

NOTE: Night operation Runway 15-33 NA due lack of obstruction and Runway lights.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, BVOR; Ident., MGM; Procedure No. 1, Amdt. 7; Eff. Date, 30 May 59; Sup. Amdt. No. 6; Dated, 14 June 58

Palacios LFR-----	PSX-VOR-----	Direct-----	1200	T-d-----	300-1	300-1	200-1/2
				C-d-----	400-1	500-1	500-1 1/2
				S-d-13-----	400-1	400-1	400-1
				A-d-----	800-2	800-2	800-2

Procedure turn W side crs, 299° Outbnd, 119° Inbnd, 1400' within 10 miles. Beyond 10 mi not authorized.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 119-3.4.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, climb to 1200' on R-119 within 20 miles.

NOTE: Night operations not authorized.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13'; Fac. Class, BVOR; Ident., PSX; Procedure No. 1, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1; Dated, 15 Jan. 54

### 4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

#### TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakeside Int-----	Lake Int#-----	Direct-----	1500	T-dn----- C-dn----- S-dn-15----- A-dn-----	300-1 400-1 400-1 NA	300-1 500-1 400-1 NA	200-1/2 500-1 1/2 400-1 NA

Radar transition altitude 2000' within 20 mi of Radar Site (Love Field).

Radar control must provide 1000' clearance within 3 mi or 500' clearance within 3-5 miles of radio towers 1108' m.s.l. 14 mi north; 1221' m.s.l. 10 mi WSW; 2349' m.s.l. 23 mi SSW of airport.

No procedure turn.

Minimum altitude over Lake Int#, 1500'.

Crs and distance, Lake Int# to airport, 151°-5.0 mi.

Crs and distance, breakoff point to end of Runway, 153°-0.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the TVOR, turn left, proceed direct to DAL-VOR, climbing to 2000'.

NOTES: VOR and ADF required for this procedure. Air carrier use NA. No weather service on airport.

#Int ADS-VOR R-331 and DAL R-270.

City, Dallas; State, Tex.; Airport Name, Addison Airport; Elev., 644'; Fac. Class, TVOR (Nonfederal facility); Ident., ADS; Procedure No. TerVOR-15, Amdt. 1; Eff. Date, 30 May 59; Sup. Amdt. No. Orig.; Dated, 4 Oct. 53



## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ross Ave Int.....	Vickery Int#.....	Direct.....	2000	T-dn..... C-dn..... S-dn-33..... A-dn.....	300-1 400-1 400-1 NA	300-1 500-1 400-1 NA	200-1; 500-1; 400-1 NA

Radar transition altitude 2000' within 20 miles of Radar Site (Love Field).  
 Radar control must provide 1000' clearance within 3 mi or 500' clearance within 3-5 miles of radio towers 1108' m.s.l. 14 mi north; 1221' m.s.l. 10 mi WSW; 2349' m.s.l. 23 mi SSW of airport.  
 No procedure turn.  
 Minimum altitude over Vickery Int# in final approach crs, 2000'.  
 Crs and distance, Vickery Int# to airport, 340°—5.0 mi.  
 Crs and distance, breakoff point to end of Runway, 333°—1 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over the TVOR, turn right and proceed direct to DAL VOR climbing to 2000'.  
 NOTES: Air Carrier use NA. No weather service on airport.  
 #Int ADS-VOR R-160 and ACF-VOR R-065.

City, Dallas; State, Tex.; Airport Name, Addison; Elev., 644'; Fac. Class, TVOR (Nonfederal fac.); Ident., ADS; Procedure No. TerVOR-33, Amdt. 1; Eff. Date, 30 May 59; Sup. Amdt. No. Orig.; Dated, 4 Oct. 58

## 5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DAL VOR.....	Fair Park Int.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1;
DAL RBN.....	Ross Ave Int.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1;
Trinity Fork Int.....	Fair Park Int.....	Direct.....	2000	S-dn-31.....	400-1	400-1	400-1
Fair Park Int.....	Ross Ave Int (Final).....	Direct.....	1500	A-dn.....	800-2	800-2	800-2
Duncanville RBN.....	Fair Park Int.....	Direct.....	2000				

Radar terminal area transition altitude 2000' \*\* within 20 mi.  
 Procedure turn S side SE crs, 127° Outbnd, 307° Inbnd, 2000' within 10 mi of Ross Ave Int. NA beyond 10 mi.  
 Altitude over Ross Ave Int 1500'; distance to Rwy 31, 3.1 mi. Altitude over Tank Fix 1000'; distance to rwy 31 1.5 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi of Ross Ave Int, climb to 2000' on NW crs ILS within 20 mi or, when directed by ATC, turn right, proceed direct to DAL VOR climbing to 2000' or, when under positive radar contact, climb to 2000' \*\* on crs, as directed by ATC within 20 mi.  
 CAUTION: 695 MSL tank 1.7 mi from approach end of Runway 31.  
 \*Descent below 1000' MSL NA unless position over Tank fix determined.  
 \*\*Radar control must provide 1000' clearance when within 3 miles or 500' clearance when within 3-5 miles of radio towers—1108' msl 20 mi N; 1221' msl 10 mi WNW, and TV tower 2349' msl 17 mi SSW of airport.  
 #Tank fix is Tank FM or Int R-210 DAL VOR and SE crs ILS.

City, Dallas; State, Tex.; Airport Name, Love Field; Elev., 485'; Fac. Class, 165; Ident., IDAC; Procedure No. 31, Amdt. 4; Eff. Date, 30 May 59; Sup. Amdt. No. 3; Dated, 29 Aug 57

MXF LFR.....	Catona Int.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1;
MGM VOR.....	Catona Int.....	Direct.....	2000	C-dn.....	400-1	500-1	500-1;
Radar Terminal Area Transition Altitudes.....	Radar Site.....	Within 15 mi.....	2000	S-dn-27.....	400-1	400-1	400-1
		Within 30 mi.....	3000	A-dn.....	800-2	800-2	800-2

Procedure turn\* S side of E crs, 093° Outbnd, 273° Inbnd, 2000' within 10 mi. Beyond 10 mi NA.  
 Minimum altitude over Catona Int on final approach crs, 1500'.  
 Crs and distance, Catona Int to airport, 273°—4.9 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1700' on W crs ILS within 20 mi or, when directed by ATC, turn left, climb to 1800' on R-120 MGM-VOR.  
 \*Procedure turn nonstandard due to traffic.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221'; Fac. Class, ILS; Ident., IMGM; Procedure No. ILS-27, Amdt. 1; Eff. Date, 30 May 59; Sup. Amdt. No. Orig.; Dated, 23 Aug. 58

Chatham RBN via crs 095.....	ILS SW crs.....	Direct.....	2000	T-dn.....	300-1	300-1	300-1
Newark LOM via crs 348.....	ILS SW crs.....	Direct.....	1800	C-dn.....	1000-1	1000-1	1000-1;
Paterson RBN.....	EB-LMM.....	Direct.....	2000	S-dn-6*.....	500-1	500-1	500-1
				A-dn.....	1000-2	1000-2	1000-2

Radar vectors may be utilized to effect above transitions.  
 Procedure turn W side SW crs, 239° Outbnd, 059° Inbnd, 1800' within 10 miles of OM.  
 Minimum altitude at G.S. Int. Inbnd 1400'.  
 Altitude of G.S. and distance to apr end of rwy at OM, 1325°—4.0 mi; at MM, 240°—0.5 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on a heading of 059° turn left climb to 2000' on ADF crs to Paterson RBN.  
 CAUTION: Teterboro OM and Newark OM at approximately same geographic location and signals are simultaneously keyed to indicate one OM serving two ILS systems.  
 MAJOR CHANGE: Deletes transition from DCW-VOR.  
 \*700-1/2 required with any component of the ILS inoperative.

City, Teterboro; State, N.J.; Airport Name, Teterboro; Elev., 7'; Fac. Class, ILS; Ident., TEB; Procedure No. ILS-6, Amdt. 10; Eff. Date, 30 May 59; Sup. Amdt. No. 9; Dated, 7 May 58



## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tyler RBN	LOM	Direct	1600	T-dn	300-1	300-1	200-1½
Mt. Sylvan Int.	LOM (Final)	Direct	1800	C-dn	400-1	500-1	500-1½
				S-dn-13*	300-3½	300-3½	300-3½
				A-dn	600-2	600-2	600-2

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 1800' within 10 mi. Beyond 10 mi NA.

Minimum altitude at G.S. int inbnd, 1800'.

Altitude of G.S. and distance to approach end of rwy at OM 1800—4.6, at MM 720—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on SE crs ILS (127°) within 20 miles.

NOTE: No approach lights.

\*400-3½ required when glide slope not utilized.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544'; Fac. Class, ILS; Ident., ITYR; Procedure No. ILS-13, Amdt. 2; Eff. Date, 30 May 59; Sup. Amdt. No. 1, (ILS portion of Comb. ILS-ADF); Dated, 17 Dec. 55

TYR RBN	Lake Tyler Int.	Direct	2000	T-dn	300-1	300-1	200-1½
GGG VOR via R-248	Lake Tyler Int.	Direct	2100	C-dn	400-1	500-1	500-1½
White House Int via GGG-VOR R-240	Lake Tyler Int (Final)	Direct	1500	S-dn-31	400-1	400-1	400-1
Mt Sylvan Int.	Lake Tyler Int.	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2000' within 10 mi of Lake Tyler Int.

No glide slope. Alt over Lake Tyler Int, 1500'; Distance from Lake Tyler Int to Runway 31 4.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 of Lake Tyler Int. climb to 1800' on NW crs of ILS within 10 mi.

CAUTION: 900' radio tower 3.6 mi E of airport.

City, Tyler; State, Tex; Airport Name, Pounds Field; Elev., 544'; Fac. Class, ILS; Ident., ITYR; Procedure No. ILS-31, Amdt. 1; Eff. Date, 30 May 59; Sup. Amdt. No. Orig.; Dated, 22 Oct. 55

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply sec. 307, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 12, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4169; Filed, May 15, 1959; 8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter 1—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

#### PART 29—TOBACCO INSPECTION

##### Subpart C—Standards

A notice of proposed rulemaking covering issuance of United States Official Standard Grades for Flue-Cured Tobacco was published in the FEDERAL REGISTER of March 31, 1959, (24 F.R. 2494) and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith. After consideration of all relevant matters presented, the following United States Official Standards for Flue-Cured Tobacco are promulgated under the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.) to become effective 15 days after publication in the FEDERAL REGISTER.

These official standards are as follows:

Delete §§ 29.301 to 29.399 in Subpart C of Part 29 and substitute therefor immediately after § 29.582 the following:

#### OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO, U.S. TYPES 11, 12, 13, AND 14

##### SPECIFICATIONS

##### WRAPPER GRADES (A GROUP)

Sec.  
29.1001 General specifications.

##### LEAF GRADES (B GROUP)

Sec.  
29.1002 General specifications.

##### CUTTER GRADES (C GROUP)

29.1003 General specifications.

##### CUTTING LUG GRADES (X GROUP)

29.1004 General specifications.

##### GRANULATING LUG GRADES (X GROUP CONTINUED)

29.1005 General specifications.

##### NONDESCRIPT (N GROUP)

29.1006 General specifications.

##### SCRAP (S GROUP)

29.1007 General specifications.

##### DEFINITIONS

29.1036 Terms defined.

29.1037 Air-dried.

29.1038 Body.

29.1039 Botched.

29.1040 Class.

29.1041 Clean.

29.1042 Color.

29.1043 Condition.

29.1044 Crude.

29.1045 Cured.

29.1046 Cutters (C).

29.1047 Damaged.

29.1048 Decayed.

29.1049 Dun or walnut (D).

29.1050 Flue-cured.

29.1051 Foreign matter.

29.1052 Form.

29.1053 Grade.

29.1054 Green (G).

29.1055 Group.

29.1056 Injury.

29.1057 Leaf scrap.

29.1058 Lemon (L).

29.1059 Light red.

29.1060 Lot.

##### Sec.

29.1061 Lugs (X).

29.1062 Major.

29.1063 Mixed (M).

29.1064 Nested.

29.1065 Nondescript (N).

29.1066 Offtype.

29.1067 Orange (F).

29.1068 Order (case).

29.1069 Package.

29.1070 Packing.

29.1071 Premature.

29.1072 Primings (P).

29.1073 Quality.

29.1074 Rank (S).

29.1075 Raw.

29.1076 Red (R).

29.1077 Resweated.

29.1078 Scrap.

29.1079 Semicured.

29.1080 Side.

29.1081 Smoking Leaf (H).

29.1082 Sound.

29.1083 Special factor.

29.1084 Steam-dried.

29.1085 Stem.

29.1086 Stemmed.

29.1087 Stems.

29.1088 Strips.

29.1089 Subgrade.

29.1090 Subgroup.

29.1091 Sweated.

29.1092 Sweating.

29.1093 Tips.

29.1094 Tobacco.

29.1095 Tobacco products.

29.1096 Type.

29.1097 Type 11.

29.1098 Type 12.

29.1099 Type 13.

29.1100 Type 14.

29.1101 Undersize

29.1102 Undried.

29.1103 Uniformity.

29.1104 Unripe or greenish (V).

29.1105 Unsound (U).



Sec.  
29.1106 Unstemmed.  
29.1107 Variegated (K).  
29.1108 Waste.  
29.1109 Web.  
29.1110 Web scrap.  
29.1111 Web yield.  
29.1112 Wet (W).  
29.1113 Yield.

## RULES

29.1143 Rules.  
29.1144 Rule 1.  
29.1145 Rule 2.  
29.1146 Rule 3.  
29.1147 Rule 4.  
29.1148 Rule 5.  
29.1149 Rule 6.  
29.1150 Rule 7.  
29.1151 Rule 8.  
29.1152 Rule 9.  
29.1153 Rule 10.  
29.1154 Rule 11.  
29.1155 Rule 12.  
29.1156 Rule 13.  
29.1157 Rule 14.  
29.1158 Rule 15.  
29.1159 Rule 16.  
29.1160 Rule 17.  
29.1161 Rule 18.  
29.1162 Rule 19.  
29.1163 Rule 20.

## KEY TO STANDARD GRADEMARKS

29.1225 Key to standard grademarks.

## SPECIFICATIONS

## WRAPPER GRADES (A GROUP)

## § 29.1001 General specifications.

All grades of the A group must be clean, sound, ripe, firm, strong, and over 18" long, must have an open weave, light to true color shade, clear to bright finish, and small to medium size and blending fibers, and must not exceed the tolerances specified with respect to injury.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

*U.S. grade*  
A1F Choice Quality Wrapper in Orange Color. Very silky, very fine texture, very elastic, very oily, medium to fleshy body, spready, uniform. Tolerance, 30 percent leaves of a quality not lower than B3 or C3, and 5 percent injury of a nature affecting wrapper yield.  
A1R Choice Quality Wrapper in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A1F.  
A2F Fine Quality Wrapper Pickers in Orange Color. Silky, fine texture, elastic, very oily, medium to fleshy body, fairly spready, harmonizing. Tolerance, 50 percent leaves of a quality not lower than B3 or C3, and 10 percent injury of a nature affecting wrapper yield.  
A2R Fine Quality Wrapper Pickers in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A2F.

## LEAF GRADES (B GROUP)

## § 29.1002 General specifications.

All grades of the B group must be clean, sound, medium to heavy body, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

*U.S. grade*  
B1L Choice Quality Leaf in Lemon Color. Very smooth, very good texture, oily, ripe, firm, medium body, strong, fairly spready, open weave, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.  
B1F Choice Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B1L.  
B1R Choice Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B1L.  
B2L Fine Quality Leaf in Lemon Color. Smooth, good texture, oily, ripe, firm, medium body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 18" long. Tolerance, 10 percent injury.  
B2F Fine Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B2L.  
B2R Fine Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B2L.  
B3L Good Quality Leaf in Lemon Color. Fairly smooth, fair texture, oily, ripe, firm, medium body, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 16" long. Tolerance, 15 percent injury.  
B3F Good Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B3L.  
B3R Good Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B3L.  
B3D Good Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B3L.  
B3K Good Quality Variegated Leaf. Average quality of B3 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.  
B3M Good Quality Mixed Leaf. Average quality of B3 or better.  
B3G Good Quality Leaf in Green Color. Quality of B3, except maturity.  
B4L Fair Quality Leaf in Lemon Color. Unrough, fairly oily, fairly ripe, fairly firm, medium body, normal strength, not narrow, fairly true color shade, normal finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.  
B4F Fair Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B4L.  
B4R Fair Quality Leaf in Red Color. Fleshy body, otherwise same as B4L.  
B4D Fair Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B4L.  
B4K Fair Quality Variegated Leaf. Average quality of B4 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.  
B4M Fair Quality Mixed Leaf. Average quality of B4 or better.  
B4G Fair Quality Leaf in Green Color. Quality of B4, except maturity.  
B5L Low Quality Leaf in Lemon Color. Fairly ripe, medium body, not weak, not stringy, dusky color shade, dull finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—Continued

*U.S. grade*  
B5F Low Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B5L.  
B5R Low Quality Leaf in Red Color. Fleshy body, otherwise same as B5L.  
B5D Low Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B5L.  
B5K Low Quality Variegated Leaf. Average quality of B5 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.  
B5M Low Quality Mixed Leaf. Average quality of B5 or better.  
B5G Low Quality Leaf in Green Color. Quality of B5, except maturity.  
B6L Poor Quality Leaf in Lemon Color. Fairly ripe, medium body, not tender, dark color shade, dingy finish, unmixed. Tolerance, 40 percent total injury of which not over 20 percent may be waste or other badly injured tobacco.  
B6F Poor Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B6L.  
B6R Poor Quality Leaf in Red Color. Fleshy body, otherwise same as B6L.  
B6D Poor Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B6L.  
B6K Poor Quality Variegated Leaf. Average quality of B6 or better in variegated colors corresponding to the general shades of lemon, orange, red, or green.  
B6M Poor Quality Mixed Leaf. Average quality of B6 or better.  
B6G Poor Quality Leaf in Green Color. Quality of B6, except maturity.

## CUTTER GRADES (C GROUP)

## § 29.1003 General specifications.

All grades of the C group must be clean, sound, thin to medium body, must have an open weave and small to medium size fibers, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

*U.S. grade*  
C1L Choice Quality Cutters in Lemon Color. Fairly silky, fine texture, oily, ripe, firm, thin body, fairly strong, broad, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.  
C1F Choice Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C1L.  
C2L Fine Quality Cutters in Lemon Color. Very smooth, very good texture, oily, ripe, firm, thin body, fairly strong, spready, light color shade, very clear finish, blending fibers, harmonizing, over 20" long. Tolerance, 10 percent injury.  
C2F Fine Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C2L.  
C3L Good Quality Cutters in Lemon Color. Smooth, good texture, fairly oily, ripe, fairly firm, thin body, normal strength, fairly spready, fairly light color shade, clear finish, emerging fibers, similar, over 18" long. Tolerance, 15 percent injury.



## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—Continued

U.S. grade	GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES—Continued
C3F	Good Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C3L.
C4L	Fair Quality Cutters in Lemon Color. Smooth, fair texture, lean, ripe, not flimsy, thin body, normal strength, normal width, true color shade, fairly clear finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
C4F	Fair Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C4L.
C4K	Fair Quality Variegated Cutters. Average quality of C4 or better.
C5L	Low Quality Cutters in Lemon Color. Fairly smooth, lean, fairly ripe, not flimsy, thin body, not weak, not narrow, fairly true color shade, normal finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
C5F	Low Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C5L.
C5K	Low Quality Variegated Cutters. Average quality of C5 or better.
C5M	Low Quality Mixed Cutters. Average quality of C5 or better.

## CUTTING LUG GRADES (X GROUP)

## § 29.1004 General specifications.

All grades of the Cutting Lugs must be clean, sound, thin to medium body, and must not exceed the tolerances specified with respect to waste and other injury.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U.S. grade	GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES
X1L	Choice Quality Cutting Lugs in Lemon Color. Smooth, good texture, fairly oily, ripe, fairly firm, thin body, not weak, normal width, open weave, fairly light color shade, fairly clear finish, emerging fibers, similar. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
X1F	Choice Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X1L.
X2L	Fine Quality Cutting Lugs in Lemon Color. Smooth, fair texture, lean, ripe, not flimsy, thin body, not weak, not narrow, open weave, true color shade, normal finish, unmingled. Tolerance, 25 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
X2F	Fine Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X2L.
X3L	Good Quality Cutting Lugs in Lemon Color. Fairly smooth, lean, fairly ripe, not flimsy, thin body, not tender, not stringy, fairly open weave, fairly true color shade, dull finish, unmixed. Tolerance, 40 percent total injury of which not over 20 percent may be waste or other badly injured tobacco.
X3F	Good Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X3L.
X3M	Good Quality Mixed Cutting Lugs. Average quality of X3 or better.
X3G	Good Quality Cutting Lugs in Green Color. Quality of X3, except maturity.

## GRANULATING LUG GRADES (X GROUP CONTINUED)

## § 29.1005 General specifications.

All grades of Granulating Lugs must be clean, sound, tissuey to thin body, porous, and must not exceed the tolerances specified with respect to waste. Any tissuey to thin-bodied tobacco in lemon, orange, or variegated colors which will not meet the specifications of the lowest grade of Leaf, Smoking Leaf, Cutters, or Cutting Lugs and which does not contain over 40 percent of waste and is not defined as Nondescript or Scrap may be classified as Granulating Lugs or Granulators.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U.S. grade	GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES
X4L	Fair Quality Granulators in Lemon Color. Unrough, fairly ripe, thin body, dusky color shade, cloudy finish, unmixed. Tolerance, 30 percent waste.
X4F	Fair Quality Granulators in Orange Color. Fairly thin to medium body, otherwise same as X4L.
X4K	Fair Quality Variegated Granulators. Over 16" long, otherwise average quality of X4 or better.
X4M	Fair Quality Mixed Granulators. Average quality of X4 or better.
X4G	Fair Quality Granulators in Green Color. Quality of X4, except maturity.
X5L	Low Quality Granulators in Lemon Color. Fairly ripe, thin body, dark color shade, dingy finish, unmixed. Tolerance 40 percent waste.
X5F	Low Quality Granulators in Orange Color. Fairly thin to medium body, otherwise same as X5L.
X5K	Low Quality Variegated Granulators. Average quality of X5 or better.
X5M	Low Quality Mixed Granulators. Average quality of X5 or better.
X5G	Low Quality Granulators in Green Color. Quality of X5, except maturity.

## NONDESCRIPT (N GROUP)

## § 29.1006 General specifications.

All standard grades of Nondescript must be clean and sound.

## GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U.S. grade	GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES
N1L	Best, Thinnest Body, and Lightest Color Nondescript. Not crude, quality under X5 or P5, and containing not more than 60 percent waste.
N1F	Best, Medium Body, and Medium Color Nondescript. Not crude, quality under H6, and containing not more than 60 percent waste.
N1R	Best, Heaviest Body, and Darkest Color Nondescript. Not crude, quality under B6, and containing not more than 60 percent waste.
N1G	Best, Crude Green Nondescript. Not more than 60 percent crude leaves or waste.
N2	Substandard Nondescript.

## SCRAP (S GROUP)

## § 29.1007 General specifications.

Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

## GRADE NAME

U.S. grade  
S Scrap (See General specifications.)

## DEFINITIONS

## § 29.1036 Terms defined.

For the purposes of these official standard grades, the following terms shall be construed as explained herein.

## § 29.1037 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

## § 29.1038 Body.

The thickness and density of leaf or weight per unit of surface.

## § 29.1039 Botched.

Any lot of unsorted tobacco offered for inspection which has not been sorted (or graded) in a manner which is customary in the type district, or any tobacco which does not reasonably conform to the common and accepted practices in the type district of preparing tobacco for market, including: (a) Extreme mixtures, such as Lugs and Primings intermingled with Leaf, lemon- and orange-colored tobacco intermingled with red or walnut, or tobacco of very poor quality, or badly injured tobacco intermingled with good quality tobacco which is not materially injured, et cetera; (b) any unsorted tobacco or tobacco which has been sorted in an unskilled, careless, or bungling manner; (c) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, sand, or muddy or extremely dirty leaves; (d) tobacco prepared in a disorderly or tangled manner such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (e) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

## § 29.1040 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the method of cultivation, harvesting, or curing.

## § 29.1041 Clean.

Normally free of dirt and other foreign matter.

## § 29.1042 Color.

A subdivision of a group based on the relative hues, saturations, and brilliances common to the group and on certain elements of quality such as body and maturity which are closely related to color.

## § 29.1043 Condition.

The state of tobacco in storage or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation such as undried, air-dried, steam-dried, sweating, sweated, and resweated.

## § 29.1044 Crude.

Any very immature leaf of which one-fifth or more of its surface has a positive green color; or any tobacco containing 30 percent or more crude leaves.



**§ 29.1045 Cured.**

Tobacco thoroughly dried of its sap by either natural or artificial processes.

**§ 29.1046 Cutters (C).**

A group of tobacco which is spready and very thin to medium in body as compared with the average width and body of the type and which has the characteristics of Cutting Lugs, except with respect to injury, finish, and length.

**§ 29.1047 Damaged.**

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

**§ 29.1048 Decayed.**

Any tobacco which is damaged to the extent of 20 percent or more.

**§ 29.1049 Dun or Walnut (D).**

Tobacco which is chiefly composed of leaves having a very dull or dingy finish and a very dusky or dark shade of brown color and which is not crude, green, or mixed.

**§ 29.1050 Flue-cured.**

Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

**§ 29.1051 Foreign matter.**

Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

**§ 29.1052 Form.**

The stage of preparation of tobacco, such as unstemmed and stemmed.

**§ 29.1053 Grade.**

A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

**§ 29.1054 Green (G).**

(a) Any leaf of which one-fifth or more of its surface is predominantly green in color; or (b) any lot of tobacco containing 20 percent or more green leaves; or (c) any lot of tobacco which is not crude but which contains 20 percent of green and crude combined.

**§ 29.1055 Group.**

A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

**§ 29.1056 Injury.**

Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing deformed leaves; or tobacco hurt by insects; or tobacco af-

ected by wildfire, rust, frog-eye, mosaic, frenching, sand-drown, or other similar diseases.

**§ 29.1057 Leaf scrap.**

Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

**§ 29.1058 Lemon (L).**

Tobacco which is chiefly yellow in color and which is not crude, green, mixed, or variegated.

**§ 29.1059 Light red.**

An intermediate shade of red, which includes the dark side of the F color and the light side of the R color. Light red is designated by the use of a special factor symbol.

**§ 29.1060 Lot.**

A pile, basket, bulk, bale, case, hog'shead, tierce, package, or other definite unit.

**§ 29.1061 Lugs (X).**

A group of tobacco which in the better qualities consists of Cutting Lugs and in the lower qualities consists of Granulated Lugs. Cutting Lugs are normally under 16" long and have the characteristics of Cutters except for a somewhat narrower width, less injury and waste, a duller finish, and less tensile strength. Granulating Lugs have a material amount of waste and injury of the kind characteristic of leaves grown near the ground and include variegated leaves which are too badly injured, discolored, or have too much waste or other badly injured tobacco to be classified as Cutters or Cutting Lugs.

**§ 29.1062 Major.**

The principal or leading kind of tobacco of which a lot consists; or the kind of tobacco which constitutes the largest percentage of a lot.

**§ 29.1063 Mixed (M).**

A lot of tobacco which contains 30 percent or more leaves of distinctly different quality or color from the major or run of the lot, and which has not been botched and which contains less than 30 percent of variegated leaves and less than 20 percent of green.

**§ 29.1064 Nested.**

Any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobacco of inferior grade, quality, or condition. Specifically, nested shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, any of which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the in-

side of the hands, or which contains wet tobacco or tobacco of relatively lower quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

**§ 29.1065 Nondescript (N).**

Except as may be designated by a special factor, Nondescript shall include: (a) Any tobacco which does not meet the minimum specifications of the lowest grade of any other group; (b) any wet, semicured, or unsound tobacco; or (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more.

**§ 29.1066 Offtype.**

Any tobacco which cannot be properly classified in any grade of the type normally sold on the markets of a given type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established type. Specifically, offtype shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco having an odor foreign to the type, or tobacco showing the effects of smoke or fumes from open fires.

**§ 29.1067 Orange (O).**

Tobacco which is chiefly orange in color and which is not crude, green, mixed, or variegated.

**§ 29.1068 Order (case).**

The state of tobacco with respect to its moisture content.

**§ 29.1069 Package.**

A hog'shead, tierce, case, bale, or other securely enclosed parcel or bundle.

**§ 29.1070 Packing.**

A lot of tobacco consisting of a certain number of packages submitted for sampling or inspection as one definite unit and represented to contain the same grade and kind of tobacco and having a common identification number or mark on each package.

**§ 29.1071 Premature.**

A low degree of maturity, but having the appearance of being ripe.

**§ 29.1072 Primings (P).**

A subgroup of Lugs composed of very thin or tissuey, pale, silky, and premature leaves which are low in oil and wax and which have a dull or dingy finish.

**§ 29.1073 Quality.**

A division or group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco, construed in relation to the type as a whole unless otherwise specifically restricted, as in the element "color shade" which is restricted to a given color.



**§ 29.1074 Rank (S).**

Rough, wild, oversized Leaf tobacco characterized by coarse, bony fibers and midribs. This tobacco is described as "slapjack" by the trade.

**§ 29.1075 Raw.**

Freshly harvested tobacco, or tobacco as it appears between the time of harvesting and the beginning of the curing process.

**§ 29.1076 Red (R).**

Tobacco which is chiefly red in color and which is not crude, green, mixed, or variegated.

**§ 29.1077 Resweated.**

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or re fermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

**§ 29.1078 Scrap.**

A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of loose, untied, and unstemmed leaves or the web portions of leaves, which accumulate in warehouses, packing and conditioning plants, and stemmeries; or tobacco which has been reduced to scrap by any process.

**§ 29.1079 Semicured.**

Tobacco in the process of being cured or tobacco which is partially but not thoroughly cured, including tobacco which contains fat-stems, wet-butts, swell-stems, or stems which have not been thoroughly dried in the curing process.

**§ 29.1080 Side.**

Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

**§ 29.1081 Smoking Leaf (H).**

A subgroup of Leaf: Composed of relatively thin, nonelastic, very ripe to mellow, very grainy, and porous leaves; being low in oil; having prominent ribs (considering the rib size in relation to the thickness of the leaf); and characterized by a somewhat duller finish than the corresponding colors of the Leaf group. Some of the lower grades of Smoking Leaf have a considerable amount of injury of the kind normally found in very grainy or overripe tobacco.

**§ 29.1082 Sound.**

Free of damage.

**§ 29.1083 Special factor.**

A symbol or term authorized to be used with specified grades to designate a certain side or characteristic of importance, varying from or not covered by the specifications of the grades.

**§ 29.1084 Steamdried.**

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

**§ 29.1085 Stem.**

A midrib of a tobacco leaf.

**§ 29.1086 Stemmed.**

A form of tobacco from which the stems or midribs have been removed, which may consist of either strips or web scrap.

**§ 29.1087 Stems.**

A tobacco by-product composed of the midribs of tobacco leaves.

**§ 29.1088 Strips.**

The two whole sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

**§ 29.1089 Subgrade.**

Any grade modified by a special factor or subgroup symbol.

**§ 29.1090 Subgroup.**

A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

**§ 29.1091 Sweated.**

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

**§ 29.1092 Sweating.**

The condition of tobacco in the process of fermentation.

**§ 29.1093 Tips.**

A subgrade of leaf tobacco of which 25 percent or more of its leaves are under 16" in length. Tips normally consist of relatively narrow, sharp-pointed, and heavy-bodied leaves, under 16" long, which grow on the top or upper part of the plant but may consist of any short leaf tobacco having the characteristics of tips.

**§ 29.1094 Tobacco.**

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as herein used, does not include any raw tobacco, manufactured products, stems which have been removed from leaves, cuttings, clippings, or shorts (fine siftings).

**§ 29.1095 Tobacco products.**

Products manufactured from tobacco which are subject to internal revenue taxes, including: Cigarettes, cigars, and smoking, chewing, and snuff tobaccos.

**§ 29.1096 Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

**§ 29.1097 Type 11.**

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Belt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

**§ 29.1098 Type 12.**

That type of flue-cured tobacco commonly known as Eastern Flue-cured, New Belt of North Carolina Flue-cured, or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

**§ 29.1099 Type 13.**

That type of flue-cured tobacco commonly known as Southeastern Flue-cured, South Carolina Flue-cured, or New Belt of South Carolina, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

**§ 29.1100 Type 14.**

That type of flue-cured tobacco commonly known as Southern Flue-cured or New Belt of Georgia, Florida, and Alabama, produced principally in the southern section of Georgia and to some extent in Florida and Alabama.

**§ 29.1101 Undersize.**

Tobacco which is shorter than the minimum size established for a particular group or grade of a type.

**§ 29.1102 Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

**§ 29.1103 Uniformity.**

One of the elements of quality in tobacco having reference to the consistency of a lot, as ordinarily sorted and prepared for market, with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a distinctly different group, quality, or color from the major or principal kind of which a lot consists: (a) Alike or very uniform, less than 5 percent; (b) uniform, less than 10 percent; (c) harmonizing or fairly uniform, less than 15 percent; (d) similar, less than 20 percent; (e) unmingled, less than 25 percent; (f) unmingled or mingled, less than 30 percent; and (g) mixed, 30 percent or more. When uniformity with respect to quality is specified it includes



uniformity with respect to group, but when uniformity with respect to color is specified it does not include uniformity with respect to group or quality.

**§ 29.1104 Unripe or greenish (V).**

Tobacco of the B, C, and X groups which is slick or starchy or has a greenish cast, indicating a low degree of maturity, will be designated by the use of a special factor symbol following the grade.

**§ 29.1105 Unsound (U).**

Damaged under 20 percent.

**§ 29.1106 Unstemmed.**

A form of tobacco from which the stems or midribs have not been removed, including both whole leaf and leaf scrap.

**§ 29.1107 Variegated (K).**

Having a diversity of contrasting colors or tints within a leaf; or leaves which are in part distinctly gray, mottled, bleached, stained, or doty-faced; or leaves which in part have been badly discolored in the curing process by scalding, scorching, et cetera; or leaves which do not blend with the normal colors of lemon, orange, red, walnut, or green established for the type. Any lot of tobacco containing 20 percent or more of such leaves is classified as variegated.

**§ 29.1108 Waste.**

The portion or portions of the web of tobacco leaves which have been lost or rendered unserviceable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases, field-firing, pole-burning, bulk-burning, or scorching; and (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

**§ 29.1109 Web.**

The portion of a tobacco leaf expanded from the midrib, as distinguished from the stem or midrib; that portion of a tobacco leaf from which the midrib has been removed; a lot of tobacco consisting of the web of tobacco leaves; or any unmanufactured tobacco which does not contain stems.

**§ 29.1110 Web scrap.**

Stemmed scrap or stemless scrap which is a by-product from stemming tobacco or handling strips, consisting chiefly of portions of strips; or a lot of tobacco from which the stems have been removed by thrashing or other means which break the web or sides of the leaves into small pieces.

**§ 29.1111 Web yield.**

The ratio of the weight of granulated and clean web which is normally serviceable and useable in reputable tobacco products to the weight of the original unstemmed tobacco.

**§ 29.1112 Wet (W).**

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful keeping state for the condition or purpose the tobacco is to be used, handled, or stored. Wet shall

apply to any semicured tobacco or other tobacco which is not damaged, but which is likely to damage on account of excessive moisture if treated in the customary manner or unless unusual precaution is taken.

**§ 29.1113 Yield.**

The potential quantity or percentage of a given product which can be produced, per unit, from a lot or packing of tobacco.

**RULES**

**§ 29.1143 Rules.**

The application of these official standard grades shall be in accordance with the following rules.

**§ 29.1144 Rule 1.**

Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

**§ 29.1145 Rule 2.**

The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

**§ 29.1146 Rule 3.**

In determining the grade of a lot of tobacco, the lot as a whole shall be considered and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

**§ 29.1147 Rule 4.**

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than twelve inches from the top of the package and one not more than twelve inches from the bottom of the package, and all breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three of the breaks so made, and from these draws a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

**§ 29.1148 Rule 5.**

Tobacco damaged under 20 percent shall be classed as unsound and treated as a subgrade by placing the special factor letter "U" after or above the grade-mark. For example: A lot of unsound tobacco which otherwise meets the specifications of B4M shall be graded B4M-U.

**§ 29.1149 Rule 6.**

When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

**§ 29.1150 Rule 7.**

Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality unless specifically restricted by other rules.

**§ 29.1151 Rule 8.**

Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules shall be placed in the lowest grade in question.

**§ 29.1152 Rule 9.**

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

**§ 29.1153 Rule 10.**

If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

**§ 29.1154 Rule 11.**

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

**§ 29.1155 Rule 12.**

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

**§ 29.1156 Rule 13.**

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

**§ 29.1157 Rule 14.**

All qualities of Leaf in L, F, R, and K colors which have the characteristics of Smoking Leaf shall be made a subgroup of Leaf by substituting the letter "H" for the group letter "B" in the grade symbol.

**§ 29.1158 Rule 15.**

Lugs of the second quality in L and F colors only and Lugs of the third, fourth, and fifth qualities in L, F, and G colors which have the characteristics of Primings shall be made a subgroup of Lugs by substituting the letter "P" for the group letter "X" in the grade symbol.

**§ 29.1159 Rule 16.**

When authorized as provided in Rule 11, combinations of color symbols may



be used by placing an additional color symbol in the fourth position in the grademark to indicate variations in the basic color. Color symbols so used shall be considered as special factors and the grades so formed treated as subgrades.

#### § 29.1160 Rule 17.

Unripe or greenish tobacco, as defined, shall be designated by the use of the special factor "V" after the grademark.

#### § 29.1161 Rule 18.

The special factor symbol "S" shall be used with grades of the B group to designate the rank or wild side.

#### § 29.1162 Rule 19.

The special factor "W" shall be used with any grade when in the opinion of the inspector the tobacco is in an unsafe or doubtful keeping order.

#### § 29.1163 Rule 20.

Tobacco defined as decayed, nested, offtype, and botched is not covered by the standard grades and shall be designated as "No-G."

#### KEY TO STANDARD GRADEMARKS

#### § 29.1225 Key to standard grade marks.

Groups and subgroups	Qualities	Colors
A—Wrappers.	1—Choice.	L—Lemon.
B—Leaf.	2—Fine.	R—Orange.
H—Smoking Leaf.	3—Good.	F—Red.
C—Cutters.	4—Fair.	D—Walnut.
X—Lugs.	5—Low.	K—Variegated.
P—Primings.	6—Poor.	M—Mixed.
N—Nondescript.		G—Green.

#### Special factor application

LL—Pale lemon.	GL—Light green.
FR—Light red.	GF—Medium green.
KL—Variegated lemon.	GR—Dark green.
KF—Variegated orange.	GK—Scorched green.
KV—Variegated greenish.	GG—Gray green.
KR—Dappled.	W—Unsafe keeping.
V—Unripe or greenish.	U—Unsound.
S—Rank.	

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 13th day of May 1959.

ROY W. LENNARTSON,  
Deputy Administrator,  
Agricultural Marketing Service.

[F.R. Doc. 59-4141; Filed, May 15, 1959;  
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#### SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

#### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PROD- UCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PROD- UCTS

#### Subpart—United States Standards for Grades of Chilled Orange Juice<sup>1</sup>

On March 3, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 1570) regarding a proposed issuance of United States Standards for Grades of Chilled Orange Juice.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Chilled Orange Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

#### PRODUCT DESCRIPTION, STYLES, TYPES, AND GRADES

52.2761	Product description.
52.2762	Styles of chilled orange juice.
52.2763	Types of chilled orange juice.
52.2764	Grades of chilled orange juice.

#### FILL OF CONTAINER

52.2765	Recommended fill of container.
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#### FACTORS OF QUALITY

52.2766	Ascertaining the grade of a sample unit.
52.2767	Ascertaining the rating for the factors which are scored.
52.2768	Color.
52.2769	Defects.
52.2770	Flavor.

#### EXPLANATIONS AND METHODS OF ANALYSES

52.2771	Definitions of terms and methods of analyses.
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#### LOT INSPECTION AND CERTIFICATION

52.2772	Ascertaining the grade of a lot.
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#### SCORE SHEET

52.2773	Score sheet for chilled orange juice.
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AUTHORITY: §§ 52.2761 to 52.2773 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

#### PRODUCT DESCRIPTION, STYLES, TYPES, AND GRADES

#### § 52.2761 Product description.

Chilled orange juice is the unfermented juice initially obtained from sound, mature fruit of the sweet orange group (*Citrus sinensis*) and Mandarin group (*Citrus reticulata*), except tangerines, which fruit was prepared by sorting and by washing prior to extraction of the juice to assure a clean and sanitary product. Chilled orange juice is prepared by removal of seeds, undesirable pulp and without chemical preservatives, acids, or similar additives, but may be packed with the addition of a nutritive sweetening ingredient or other ingredients permissible under the provisions of the Federal Food, Drug and Cosmetic Act. Chilled orange juice applicable to these standards is prepared in accordance with one of the types described herein. The prepared orange juice is chilled quickly, in accordance with good commercial practice and is maintained at temperatures necessary for marketing of the product.

#### § 52.2762 Styles of chilled orange juice.

- (a) Style I, unsweetened.
- (b) Style II, sweetened.

#### § 52.2763 Types of chilled orange juice.

- (a) *General.* (1) The type of chilled orange juice is not a factor of quality for the purpose of these grades. Types are given here only for the purpose of identification.
- (2) "Treated to improve stability" means treated by heat or otherwise

treated in whole or in part to reduce bacterial or enzymatic action.

(b) *Type 1.* Prepared from freshly extracted single-strength orange juice, untreated except for chilling and the removal of seeds and undesirable pulp. The addition of a sweetening ingredient (Style II) is not permitted under this type.

(c) *Type 2.* Prepared from freshly extracted single-strength orange juice which has been treated to improve stability.

(d) *Type 3.* Prepared from frozen single-strength orange juice or from a blend of freshly extracted and frozen single-strength juices which may or may not have been treated to improve stability.

(e) *Type 4.* Prepared from concentrated orange juice(s) (except canned or with added chemical preservatives) with or without the addition of water, and freshly extracted and/or frozen orange juice(s).

(f) *Type 5.* Prepared from concentrated orange juice(s) (except canned or with added chemical preservatives) reconstituted solely with water.

#### § 52.2764 Grades of chilled orange juice.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of chilled orange juice that shows no coagulation or no material separation and possesses the appearance of fresh orange juice; that possesses a very good color; that is practically free from defects; that possesses a very good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of chilled orange juice that shows no coagulation but may show some separation and possesses the appearance of fresh orange juice; that possesses a good color; that is reasonably free from defects; that possesses a good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of chilled orange juice that fails to meet the requirements of U.S. Grade B.

#### FILL OF CONTAINER

#### § 52.2765 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of chilled orange juice as practicable.

#### FACTORS OF QUALITY

#### § 52.2766 Ascertaining the grade of a sample unit.

(a) In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

- (1) *Factors not rated by score points.*
- (i) Degree of coagulation;
- (ii) Separation;
- (iii) Appearance of fresh orange juice.



(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color .....	40
Defects .....	20
Flavor .....	40
Total score.....	100

**§ 52.2767** Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

**§ 52.2768** Color.

(a) (A) *classification.* Chilled orange juice that possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of good-colored fresh orange juice.

(b) (B) *classification.* If the chilled orange juice possesses a good color, a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason.

(c) (SStd.) *classification.* Chilled orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.2769** Defects.

(a) *General.* The factor of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells and pulp, and from other defects.

(1) *Pulp.* "Pulp" means particles of membrane, core, and peel.

(b) (A) *classification.* Chilled orange juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present:

(1) Not more than 0.030 percent by volume of recoverable oil;

(2) Practically no small seeds or portions thereof that could not pass readily through round perforations  $\frac{1}{8}$  inch in diameter, and only such other seeds or portions thereof as do not materially affect the appearance or drinking quality of the juice;

(3) Pulp and juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice; and

(4) Other defects that are not more than slightly objectionable.

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(c) (B) *classification.* If the chilled orange juice is reasonably free from defects a score of 14 to 16 points may be given. Chilled orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(1) Not more than 0.040 percent by volume of recoverable oil;

(2) Practically no small seeds or portions thereof that could not pass readily through round perforations  $\frac{1}{8}$  inch in diameter, and only such other seeds or portions thereof as do not seriously affect the appearance or drinking quality of the juice;

(3) Juice cells and pulp that do not seriously detract from the appearance or drinking quality of the juice; and

(4) Other defects that are not materially objectionable.

(d) (SStd.) *classification.* Chilled orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

**§ 52.2770** Flavor.

(a) (A) *classification.* Chilled orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style as qualified in regard to source of soluble solids:

(1) Style I, unsweetened, when the soluble solids of the product are derived solely from single-strength juice(s):

(i) Brix—not less than 11.0 degrees;

(ii) Brix-acid ratio—not less than 12 to 1 nor more than 18 to 1, except that when the chilled orange juice is produced solely or predominantly from oranges grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) Style I, unsweetened, when the soluble solids of the product are derived wholly or in part from concentrated orange juice(s):

(i) Brix—not less than 11.7 degrees;

(ii) Brix-acid ratio—not less than 12.5 to 1 nor more than 18 to 1, except that when the chilled orange juice is produced solely or predominantly from oranges grown in California or Arizona the Brix-acid ratio may be not less than 11.5 to 1 nor more than 17 to 1.

(3) Style II, sweetened:

(i) Brix—not less than 12.5 degrees;

(ii) Brix-acid ratio—not less than 12 to 1 nor more than 14 to 1;

(iii) Soluble orange solids per gallon of finished product:

(a) When derived solely from single-strength juices 0.866 pounds (equivalent to 10.0 degrees Brix);

(b) When derived wholly or in part from concentrated orange juice(s) 1.0195 pounds (equivalent to 11.7 degrees Brix).

(b) (B) *classification.* If the chilled orange juice possesses a good flavor a score of 28 to 33 points may be given. Chilled orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following additional requirements for the applicable style:

(1) Style I, unsweetened, when the soluble solids of the product are derived solely from single-strength juice(s):

(i) Brix—not less than 10.5 degrees;

(ii) Brix-acid ratio—not less than 11.5 to 1 nor more than 22 to 1, except that when the chilled orange juice is produced solely or predominantly from oranges grown in California or Arizona the Brix-acid ratio may be not less than 10.5 to 1 nor more than 20 to 1.

(2) Style I, unsweetened, when the soluble solids of the product are derived wholly or in part from concentrated orange juice(s):

(i) Brix—not less than 11.7 degrees;

(ii) Brix-acid ratio—not less than 12 to 1 nor more than 22 to 1, except that when the chilled orange juice is produced solely or predominantly from oranges grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 20 to 1.

(3) Style II, sweetened:

(i) Brix—not less than 12.5 degrees;

(ii) Brix-acid ratio—not less than 11 to 1 nor more than 15 to 1;

(iii) Soluble orange solids per gallon of finished product:

(a) When derived solely from single-strength juices 0.866 pounds (equivalent to 10 degrees Brix);

(b) When derived wholly or in part from concentrated orange juice(s) 1.0195 pounds (equivalent to 11.7 degrees Brix).

(c) (SStd.) *classification.* Chilled orange juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor for any reason, may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**EXPLANATIONS AND METHODS OF ANALYSES**

**§ 52.2771** Definitions of terms and methods of analyses

(a) *Brix.* "Brix" means the degrees Brix of chilled orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix of chilled orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of chilled orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.



(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1<sup>2</sup> or Figure 2.<sup>3</sup>

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing:

(v) Three-liter narrow-neck flask.

(2) **Procedure.** (a) Place exactly two liters of juice in a three liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

### LOT INSPECTION AND CERTIFICATION

§ 52.2772 Ascertaining the grade of a lot.

The grade of a lot of chilled orange juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

## SCORE SHEET

**§ 52.2773 Score sheet for chilled orange juice.**

Size and kind of container.....		
Container number (packages).....		
or		
Identification (cases).....		
Label (including ingredient statement, if any).....		
Liquid measure (fluid ounces).....		
Style.....		
Brix (degrees).....		
Acid (grams/100 ml.: calculated as anhydrous citric acid).....		
Brix-acid ratio ( : ).....		
Recoverable oil (% by volume).....		
Degree of coagulation.....		<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">{ }</div> <div> None Slight Serious </div> </div>

  

Factors		Score points
Color.....	40	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">{ }</div> <div> (A) 34-40 (B) 123-33 (SStd.) 10-27 </div> </div>
Defects.....	20	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">{ }</div> <div> (A) 17-20 (B) 114-16 (SStd.) 10-13 </div> </div>
Flavor.....	40	<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 10px;">{ }</div> <div> (A) 34-40 (B) 123-33 (SStd.) 10-27 </div> </div>
Total score.....		100

<sup>1</sup> Indicates limiting rule.

*Effective time.* The United States Standards for Grades of Chilled Orange Juice (which is the first issue) contained in this subpart shall become effective 30

<sup>2</sup> Filed as a part of the original document.

days after publication hereof in the FEDERAL REGISTER.

**Dated: May 13, 1959.**

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 59-4145; Filed, May 15, 1959;  
8:48 a.m.]

**PART 52—PROCESSED FRUITS AND  
VEGETABLES, PROCESSED PROD-  
UCTS THEREOF, AND CERTAIN  
OTHER PROCESSED FOOD PROD-  
UCTS**

### Subpart—United States Standards for Grades of Frozen Peas

### Correction

In F.R. Doc. 59-3990, appearing at page 3782 of the issue for Tuesday, May 12, 1959, the following change should be made in Table I under § 52.3516:

Under the column "Combination of any 2" for both Grade B and Grade C, the word "or", standing by itself on a separate line, should be deleted each place it appears.

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 9]

## PART 728—WHEAT

### Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

### RATE OF PENALTY

*Basis and purpose.* The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1959 wheat marketing quota program at 45 percent of the May 1, 1959, parity price of wheat as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.872 of the wheat marketing quota regulations for 1958 and subsequent crop years is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1959 crop wheat shall be \$1.07 per bushel, which is 45 per centum of the parity price

per bushel of wheat as of May 1, 1959,  
which is determined to be \$2.37."

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies 55 Stat. 203, as amended; sec. 3, 67 Stat. 151; 7 U.S.C. 1340)

Issued at Washington, D.C., this 12th  
day of May 1959.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-4163; Filed, May 15, 1959;  
8:50 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 165]

**PART 922 — VALENCIA ORANGES  
GROWN IN ARIZONA AND DESIG-  
NATED PART OF CALIFORNIA**

### Limitation of Handling

§ 922.465 Valencia Orange Regulation  
165.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information



for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 14, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 17, 1959, and ending at 12:01 a.m., P.s.t., May 24, 1959, are hereby fixed as follows:

- (i) District 1: 462,000 cartons;
- (ii) District 2: 462,000 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 15, 1959.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 59-4234; Filed, May 15, 1959;  
11:33 a.m.]

## Department of Agriculture

[Lemon Reg. 792]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

#### § 953.899 Lemon Regulation 792.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as herein-after set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 17, 1959, and ending at 12:01 a.m., P.s.t., May 24, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 372,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 14, 1959.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 59-4201; Filed, May 15, 1959;  
9:07 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 15<sup>1</sup>]

#### PART 368—MUTUAL ASSISTANCE ON U.S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U.S. IMPORTS)

#### PART 371—GENERAL LICENSES

#### PART 385—EXPORTATIONS OF TECHNICAL DATA

#### Miscellaneous Amendments

#### § 368.1 [Amendment]

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended as follows:

a. Paragraph (b) *United States Import Certificate*, subparagraph (1) *General* is amended to read as follows:

(1) *General.* (i) Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an Import Certificate, such person shall apply for his certification by filling out and executing Form FC-826, Import Certificate,<sup>2</sup> in triplicate (in quadruplicate for "source material," "by-product material," "special nuclear material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission).

(ii) Import Certificates will be issued only when required by the government of a foreign country for the commodities specified above which are subject to the Atomic Energy Act and the commodities identified on the Positive List of Commodities (§ 399.1 of this chapter) by the symbol "A" in the column headed "Commodity Lists." In case of doubt, the Field Office of the Department of Commerce serving an area will assist the importer in determining whether an Import Certificate may be issued for a particular commodity.

b. Paragraph (d) *Delivery verification on imports into the United States*, subparagraph (2) *Completion and disposition of Delivery Verifications* is amended to read as follows:

(2) *Completion and disposition of Delivery Verifications.* A United States im-

<sup>1</sup> This amendment was published in Current Export Bulletin 814, dated May 7, 1959.

<sup>2</sup> Form FC-826 may be obtained from all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C.



porter who is required by the foreign government to obtain a Delivery Verification shall present Form FC-908, Delivery Verification, in duplicate, to the Collector of Customs. The Collector of Customs will certify a Delivery Verification after the importation has been delivered to the importer. A Delivery Verification form will be certified by Collectors of Customs only where the importation is made under a warehouse or consumption entry. Form FC-908 shall be completed by the United States importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities described on the form shall be in the same terms as those shown on the related Import Certificate. The duly certified form shall be dispatched by the United States importer to the foreign exporter or otherwise disposed of in accordance with the instructions of the exporting country.

#### § 371.13 [Amendment]

2. Section 371.13 *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES*, paragraph (d) *General License REGISTERED CARRIER STORES*, subparagraph (1) and Note 1 following the paragraph are amended to read as follows:

(1) A general license designated REGISTERED CARRIER STORES is hereby established, authorizing exportations to any destination except a destination in Subgroup A, of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada; provided that such commodities are (i) shipped as cargo under a bill of lading on an exporting carrier of United States or Canadian registry; (ii) in usual and reasonable kinds and quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; or equipment and spare parts ordered by a United States or Canadian airline and consigned to its own installation or agent abroad to be used for the maintenance, repair, or operation of aircraft which are owned or operated by the airline and which are registered in either the United States or Canada; (iv) not intended for unloading in a foreign country except for transshipment on another carrier of United States or Canadian registry and delivery to the vessel, plane or to the installation or agent of a United States or Canadian airline to which they are consigned; and (v) covered by such declarations as are required to be filed by § 379.1(a) (2) of this chapter.

NOTE: 1. *Limitation on use of General Licenses SHIP STORES and PLANE STORES.* The provisions of § 371.13 do not authorize the exportation of any equipment or spare parts which are licensed for export by the Department of State (see § 370.4(a) of this subchapter). The provisions of § 371.13 relate only to those commodities which are licensed for export by the Department of Commerce.

3. Section 371.15 *General License GLC; exportations of commercial vehicles by private or common carriers* is amended to read as follows:

§ 371.15 *General License GLC; exportations of commercial vehicles by certain civil airlines and by private or common carriers.*

A general license designated GLC is hereby established authorizing the exportations described below.

(a) *Air carriers.* Civil aircraft operated by commercial airlines and used on regular schedules between the United States and foreign countries under certificates of public convenience and necessity, including charter or ferry flights by such airlines, may depart from the United States for any destination except a destination in Subgroup A, provided that such aircraft, except those imported into the United States from a foreign country, shall not depart for the purpose of resale.

(b) *Other carriers.* Trucks, busses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries may be exported from the United States to any destination except a destination in Subgroup A, provided that such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

#### § 371.18 [Amendment]

4. Section 371.18 *General License GLR; return of certain commodities imported into the United States* is amended by adding a new paragraph (e) to read as follows:

(e) *Civil aircraft and aircraft equipment sent from the United States for repair or overhaul.* (1) Civil aircraft, or civil aircraft equipment, parts, accessories, or components which were manufactured in a foreign country may be exported under this general license to the country from which originally imported into the United States or to the country in which manufactured for the purpose of being repaired or overhauled and returned to the United States, except that no exportation may be made under this paragraph to Hong Kong, Macao, or a Subgroup A destination. Any commodity exported under this general license shall be returned to the United States as soon as the repair or overhaul is completed.

(2) Where civil aircraft or civil aircraft equipment, parts, accessories or components are returned to the country of manufacture and this is not the same country as the one from which imported into the United States the name and address of the manufacturer shall be shown on the shipper's export declaration in addition to the other information required by this section.

5. A new § 371.25 is added to read as follows:

§ 371.25 *General License GATS, aircraft on temporary sojourn.*

A general license designated GATS is hereby established authorizing the departure from the United States, under

the conditions set forth below, of foreign registry civil aircraft on temporary sojourn in the United States and of United States civil aircraft for temporary sojourn abroad.

(a) *Foreign registered aircraft.* A civil aircraft of foreign registry which has been in the United States on a temporary sojourn may depart from the United States for any destination except Poland (including Danzig) or a destination in Subgroup A, provided that the aircraft has not been sold or disposed of while in the United States, and provided it does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency.

(b) *United States registered aircraft.* A civil aircraft of United States registry may depart from the United States on temporary sojourn under the conditions set forth in subparagraphs (1) through (4) of this paragraph.

(1) United States civil aircraft may depart from the United States for any destination except Poland (including Danzig) or a destination in Subgroup A on a temporary sojourn abroad of not to exceed six months duration, or for a series of flights to and from the United States not to exceed six months duration in total, provided that:

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate United States Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a United States licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Bureau of Foreign Commerce;

(v) The aircraft's United States registration shall not be changed while abroad;

(vi) The owner or operator of the aircraft presents to the Collector of Customs at the time of departure a written certification, in duplicate, as follows:

I (We) certify that I (we) am (are) the (owner) (operator) of an aircraft identified as a \_\_\_\_\_, bearing markings \_\_\_\_\_; that it is departing from the United States on \_\_\_\_\_ for a temporary sojourn

(Date)  
abroad under General License GATS and that all of the provisions of that general license will be complied with.

(Signature of owner or operator) (Firm name)

(Date of signature) (Address of firm)

(Port of departure) (Port of entry)

(Signature of customs inspector) (Signature of customs inspector)

(Date of departure) (Date of entry)

(2) (i) When the written certification set forth in subparagraph (1) of this paragraph is filed with the Collector of Customs at the port of departure, he



shall endorse it, return one copy to the owner or operator prior to the departure of the aircraft, and retain a copy for his records. Upon return of the aircraft to the United States, the endorsed copy of the certification shall be surrendered to the Collector of Customs at the port of entry. If the port of entry is not the same as that from which the aircraft departed, the Collector of Customs at the port of entry shall forward the surrendered copy of the certification to the Collector of Customs at the port from which the aircraft originally departed, noting thereon the date of entry.

(ii) Where the certification covers a series of flights over a six-months period, each departure and re-entry shall be recorded by the Collector of Customs on the endorsed certification. At the end of the six-months period the certification shall be surrendered to the Collector of Customs at the port from which the aircraft initially departed under authority of the certification.

(3) The Collector of Customs at the port of departure may, upon written request, grant one six-months extension of the time allowed for temporary sojourn.

(4) Where it is decided that the aircraft is not to be returned to the United States within the authorized six-months period (or one year period where the Collector of Customs has authorized a six-months extension of the sojourn), request shall be made to the Bureau of Foreign Commerce for authorization to extend the period of temporary sojourn for an additional six months, or to otherwise dispose of the aircraft.

(5) The request shall be by letter, in original and two copies, setting forth the reason for non-return of the aircraft, and the name of the United States port with which the written certification was filed. The letter shall be accompanied by a copy of the certification which was filed with the Collector of Customs at the port of departure. The following additional information shall be included, as appropriate:

(i) Where the request is for extension of the time allowed, the letter shall also include a statement as to the present location of the aircraft, the countries it is expected to visit during the extension, and the approximate date of return to the United States.

(ii) Where the request is for authority to dispose of the aircraft or any of its equipment, parts, accessories, or components to another party by sale or otherwise, give the commodity description, Schedule B number of the commodity, value, and quantity, as well as the name and address and identity of each party to the proposed transaction. The request shall be accompanied by all documents which would be required in support of an export license for shipment of the same commodity directly from the United States to the proposed destination.

(iii) If the request for authority to extend the length of the sojourn or to dispose of the aircraft is approved, the Bureau of Foreign Commerce will stamp the letter of request with the validation stamp of the Department of Commerce and forward one copy to the applicant

and one copy to the Collector of Customs at the original port of departure.

#### § 385.2 [Amendment]

6. Section 385.2 *General Licenses GTDP, GTDU, and GTDS*, paragraph (b) *General License GTDU, unclassified technical data either unpublished or not generally available in published form* is amended to read as follows:

(b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form.* (1) A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, subject to the limitations set forth in subparagraphs (2), (3), (4) of this paragraph.

(2) This general license shall not be applicable to any exportation of technical data directly or indirectly to any Subgroup A destination or Poland (including Danzig).

(3) This general license shall not be applicable to any exportation to any destination of technical data, other than operating and maintenance manuals, relating to:

(i) Civil aircraft, civil aircraft equipment, parts, accessories, or components listed on the Positive List of Commodities (§ 399.1 of this chapter); or

(ii) The following electronic commodities:

(a) Electrical and electronic instruments, specially designed for testing or calibrating the airborne direction finding, navigational and radar equipment described in Schedule B Nos. 70797 and 70867.

(b) Airborne transmitters, receivers, and transceivers, Schedule B number 70779.

(c) Airborne direction finding equipment, Schedule B number 70797.

(d) Airborne electronic navigation apparatus; airborne, ground, and marine radar equipment, Schedule B number 70867.

(4) Before making any exportation under this general license of technical data of the kind described below in this subparagraph, the exporter shall obtain written assurance from the importer that neither the technical data nor the product<sup>3</sup> thereof is intended to be shipped, either directly or indirectly, to a Subgroup A destination or Poland (including Danzig).

(5) This general license shall not be applicable to any exportation to any destination of technical data of the kind described below in this subparagraph if, at the time of exportation of the tech-

<sup>3</sup> The term "product," as used in this sentence and in this context only, means the machine, equipment, plant, process, or service to be produced directly by use of the technical data, and not the commodity to be produced by or with such machine, equipment, plant, process, or service. An example of the product of technical data is reforming process equipment designed and constructed by use of the technical data exported. However, the aromatics produced by the reformer are not covered by this definition.

nical data from the United States, the exporter knows or has reason to believe that the product<sup>4</sup> to be manufactured abroad by use of the technical data is intended to be exported or reexported directly or indirectly to a Subgroup A destination or Poland (including Danzig).

(i) Technical data and services listed in (a) of this subdivision for the plants, processes, and equipment listed in (b) of this subdivision.

(a) Types of technical data and services:

(1) Proprietary research and the results therefrom;

(2) Processes developed pursuant to research (including technology with regard to component equipment items);

(3) Catalyst production, activation, utilization, reactivation and recovery;

(4) Plant and equipment design and layout to implement the processes; and

(5) Construction and operation of plant and equipment.

(b) Types of plants and processes:

(1) The following plants and/or processes usable in the treatment of petroleum or natural gas fractions or of products derived directly or indirectly therefrom:

Alkylation.	Polymerization.
Aromatization.	Reforming.
Cracking.	Oxidation.
Dehydrogenation.	Halogenation.
Desulfurization.	Ozonolysis.
Exo process.	Reduction.
Hydrogenation.	Nitration.
Isomerization.	

7. Section 385.4 *Exportations to Subgroup A destinations and Poland (including Danzig)* is amended by amending the title of the section and paragraph (a) *Scope* to read as follows:

#### § 385.4 Exportations under a validated license.

(a) *Scope.* (1) Under the provisions of this § 385.4, there is established a procedure for the exportation of technical data not exportable under a general license.

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specified technical data to a designated foreign consignee or consignees within a validity period of six months. This amendment shall become effective June 1, 1959, except that the amendments of §§ 368.1 and 385.2(b) (4) shall become effective June 8, 1959.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,  
Director,

Bureau of Foreign Commerce.

[F.R. Doc. 59-4140; Filed, May 15, 1959; 8:47 a.m.]

<sup>4</sup> This includes plants and processes for the production, extraction, and purification of petroleum products, petrochemical products and products derived therefrom. Examples of petrochemical products include methane, ethane, propane, butane and other aliphatics, as well as olefins, aromatics, naphthenes, and elements and other compounds.



# Title 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 123—INSURANCE

### PART 152—INDEMNITY CLAIMS AND PAYMENTS

#### Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows: I. Part 123, Insurance, is amended to read as follows:

Sec.

- 123.1 Availability.
- 123.2 Preparation.
- 123.3 Fees.
- 123.4 Limit of insurance.
- 123.5 Special endorsements.
- 123.6 Insurance receipts.
- 123.7 Return receipts.

**AUTHORITY:** §§ 123.1 to 123.7 issued under R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372.

#### § 123.1 Availability.

Insurance is available only to countries with which specific arrangements have been made for this service. See individual country items in § 168.5 of this chapter. Except in the case of Canada, insurance service is limited to parcel post.

#### § 123.2 Preparation.

The general provisions for the preparation of ordinary parcels to other countries apply also to insured parcels.

#### § 123.3 Fees.

For scales of fees, see individual country items in § 168.5 of this chapter.

#### § 123.4 Limits of insurance.

The maximum amounts for which parcels may be insured are shown under the individual country items in § 168.5 of this chapter. Parcels may not be insured for more than the declared value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired, parcels may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired will be charged.

#### § 123.5 Special endorsements.

(a) *Contents.* You must mark parcels containing fragile or perishable articles "Fragile," "Perishable," "Glass," or "Eggs," as appropriate.

(b) *Insured value.* (1) You must indicate in United States currency (figures only) in the appropriate space on the Form 2966 (*Customs Declaration [Parcel Post]*) the amount for which your parcel is insured.

(2) To most countries, the insured value of the parcel must be shown on the wrapper and on the Form 2972 (*Dispatch Note [For Mailing Parcels to Certain Countries]*). Examples of the types of endorsements to be used are given under individual country items in § 168.5 of this chapter. In some instances the insured value must be shown also in gold francs. Conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. To determine the gold

franc equivalent, multiply the amount in United States currency by 3. For example, \$5.25 is equal to 15.75 gold francs.

#### § 123.6 Insurance receipts.

You are issued a receipt for mail accepted for insurance. Each receipt will bear the insurance number. You should enter the name and address of the addressee on the receipt and keep it. The receipt must be submitted if you file a claim or an inquiry concerning the parcel.

#### § 123.7 Return receipts.

Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts. (See § 122.6 of this chapter.) No return receipts are furnished for insured parcels to Canada.

**NOTE:** The corresponding Postal Manual Part is 233.

#### § 152.2 [Amendment]

II. In § 152.2 *Indemnity payments*, make the following changes:

A. Amend subparagraph (3) of paragraph (b) to read as follows:

(3) *Ecuador.* You may be paid up to \$50.00, based on actual value, for loss, rifling, or damage, in accordance with the registry fee paid.

**NOTE:** The corresponding Postal Manual section is 262.223.

B. Subparagraph (5) of paragraph (c) is hereby rescinded.

**NOTE:** The corresponding Postal Manual section is 262.235.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F.R. Doc. 59-4136; Filed, May 15, 1959; 8:46 a.m.]

### PART 168—DIRECTORY OF INTERNATIONAL MAIL

#### Miscellaneous Amendments

Part 168, Directory of International Mail, as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-2195 as Federal Register Document 59-2388, is amended as follows:

I. Amend § 168.1 *Postal union mail*, to read as follows:

#### § 168.1 Postal union mail.

(See Part 111 of this chapter for detailed information as to mailing conditions.)

(a) *Classifications, surface rates, and weight limits.* (For air mail, see individual country items in § 168.5 of this chapter, for rates, and Part 121 of this chapter for general information.)

Classifications (surface and air)	Surface rates	Weight limits (surface and air)
Letter mail (see § 111.2(a) of this chapter).		
Canada.....	4 cents per ounce.....	60 pounds.
Mexico.....	4 cents per ounce.....	4 pounds 6 ounces.
All other countries.....	8 cents first ounce, 5 cents each additional ounce.	Do.
Postcards (see § 111.2(b) of this chapter).		
Canada and Mexico.....	3 cents single; 6 cents reply paid.....	
All other countries.....	5 cents single; 10 cents reply paid.....	
Printed matter (see § 111.2(d) of this chapter except as stated below:	4 cents first 2 ounces, 2 cents each additional 2 ounces.	See subparagraph (1) of this paragraph.
a. Books and sheet music (see § 111.2(d) (1) (i) and (ii) of this chapter): To Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras Republic, Mexico, Nicaragua, Panama, Paraguay, Peru, El Salvador, Uruguay, and Venezuela.	2 cents first 2 ounces; 1 cent each additional 2 ounces.	Do.
To all other countries.....	3 cents first 2 ounces; 1½ cents each additional 2 ounces.	Do.
b. Second class matter mailed by publishers or registered news agents.	See 111.2(d) (1) (i) (b) of this chapter.	Do.
Matter for the blind (see § 111.2(e) of this chapter).	Domestic rates apply. See Part 28 of this chapter.	15 pounds 6 ounces.
Samples of merchandise (see § 111.2(f) of this chapter).	4 cents first 2 ounces; 2 cents each additional 2 ounces. Minimum charge, 10 cents.	18 ounces.
Commercial papers (see § 111.2(c) of this chapter).	4 cents first 2 ounces; 2 cents each additional 2 ounces. Minimum charge, 10 cents.	4 pounds 6 ounces.
Small packets: To all countries admitting. (See § 111.2(g) and individual country items in § 168.5 of this chapter.)	4 cents each 2 ounces. Minimum charge, 20 cents.	2 pounds 3 ounces.
8-ounce merchandise packages: To all countries admitting. (See § 111.2(h) (5) of this chapter.)	4 cents each 2 ounces. Minimum charge, 10 cents.	8 ounces.

(1) *Printed matter weight limits.* Printed matter in general is subject to a weight limit of 6 pounds 9 ounces, and printed books to a limit of 11 pounds. The following exceptions apply:

(i) To Paraguay and Peru the weight limit is 11 pounds.

(ii) To Argentina, Bolivia, Brazil, Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa), Spanish Guinea and Spanish West Africa, the weight limit is 22 pounds.

(iii) To Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras Republic,

Mexico, Nicaragua, Panama, El Salvador, Uruguay and Venezuela, the weight limit is 33 pounds.

(iv) A single volume may weigh up to 22 pounds when addressed to Paraguay or Peru, and up to 60 pounds when addressed to Cuba, Mexico, Panama or El Salvador.

(v) Packages of second-class publications mailed to Canada at the postage rates prescribed in § 111.2(d) (1) (i) (b) (1) of this chapter may weigh up to 66 pounds.

(b) *Dimensions.* The following general dimensions apply to the various classes of postal union articles:



(1) *Post cards.* Maximum, 6 by 4½ inches; minimum, 4 by 2¾ inches.

(2) *All other postal union articles.* (i) Maximum: Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches.

(ii) Minimum: The address side must measure at least 4 inches in length and 2¾ inches in width. When in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag is attached whose length and width together measure not less than 6¾ inches, with the shorter side not less than 1½ inches.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

#### § 168.5 [Amendment]

II. In § 168.5 *Individual country regulations*, make the following changes:

A. Under Postal union mail, the item "*Eight-ounce merchandise packages.* Accepted" is hereby rescinded in the following countries:

Argentina.  
Bolivia.  
Brazil.  
Costa Rica.  
Dominican Republic.  
Ecuador.  
Honduras (Republic of).  
Mexico.  
Nicaragua.  
Salvador (El).  
Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa, Ceuta, Melilla, Alhucemas Island, Chafarinas or Zafarani Islands, and Penon de Velez de la Gomera).  
Spanish Guinea (Rio Muni and the Islands of Fernando Po, Annobon, Elobey, and Corisco).  
Spanish West Africa: Spanish Sahara (Rio de Oro and Sekia El Hamra) and the Territory of Ifni.  
Uruguay.  
Venezuela (Republic of).

B. In country "Aden (including Kamarin and Perim)," under Parcel Post, amend the item *Prohibitions* to read as follows:

*Prohibitions.* Arms, etc.: Arms and military supplies, unless imported by or on behalf of the Government of Aden.

Imitation and toy pistols and revolvers.  
State monopolies, etc.: Coin or bullion exceeding \$5 in value.

All goods manufactured outside Her Majesty's dominions and marked with the British Royal Arms, or imitations.  
Fictitious stamps.

C. In country "Austria," under Parcel Post, make the following changes:

1. Immediately following the item *Insurance*, and preceding *Prohibitions*, add a new item *Observations*, to read as follows:

*Observations.* The Austrian postal authorities have stated that the customs clearance of commercial parcels will be expedited if two copies of the original invoice are attached to the customs declarations.

2. Amend the item *Import restrictions* to read as follows:

*Import restrictions.* The attention of senders should be called to the following requirements, which must be met by addressees:

Import licenses must be obtained to take delivery of the following:

Commercial parcels generally.  
Gift parcels whose value exceeds 1,000 schillings (\$38.50) generally, or 500 schillings (\$19.25) in the case of pharmaceutical products.

Firearms other than sporting guns.

Austrian bank notes.

Postage stamps of other countries than Austria exceeding 500 schillings (\$19.25) in value.

Radio receivers.

Medicinal preparations of all kinds, including cosmetic and dietetic products sold as remedies; serums and vaccines; veterinary medicines.

Tobacco products. Licenses are granted without difficulty if the value does not exceed 100 schillings (\$3.85).

D. In country "Azores," under Parcel Post, amend the tabular information immediately following the item *Air parcel rates*, to read as follows:

Weight limit: 22 pounds.

Sealing: Insured parcels must, and ordinary parcels may, be sealed.

Group shipments: No.

Registration: No.

Insurance: Yes. (Same as Portugal.)

Postal forms required:

1 Form 2922 (Parcel-post sticker).  
1 Form 2966 (Customs declaration).

E. In country "Canada" (including Newfoundland and Labrador), under Parcel Post, amend the third paragraph of the item *Prohibitions* to read as follows:

Bees must not be on combs, and must be accompanied by a declaration signed by the mailer that the food for the bees carried in the package is free from disease. Honey must not be used in making the candy placed in queen bee mailing cages. Special handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks.

F. In country "Ecuador," under Parcel Post, amend the item *Observations* to read as follows:

*Observations.* Parcels or groups of parcels exceeding \$40 in value require consular and commercial invoices legalized by an Ecuadorian Consul, from whom consular invoice forms must be purchased. Consuls of Ecuador are located in the following cities:

Baltimore, Md.	New York, N.Y.
Chicago, Ill.	Norfolk, Va.
Cincinnati, Ohio	Peoria, Ill.
Cleveland, Ohio	Philadelphia, Pa.
Detroit, Mich.	Saint Louis, Mo.
Houston, Tex.	San Diego, Calif.
Inglewood, Calif.	San Francisco, Calif.
Kansas City, Kans.	San Juan, P.R.
Los Angeles, Calif.	Seattle, Wash.
Miami, Fla.	Stamford, Conn.
Milwaukee, Wis.	Tampa, Fla.
New Orleans, La.	Washington, D.C.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 127 of this chapter.

After the arrival of parcels in Ecuador each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. If, after customs duties have been assessed, the addressee should fail to pay those charges the parcel will not be released for return to the sender until the amount of duty assessed is paid.

G. In country "Liberia," under Parcel Post, amend the tabular information immediately following the item *Air Parcel Rates* to read as follows:

Weight limit: 22 pounds.

Sealing: Insured parcels must, and ordinary parcels may, be sealed.

Group shipments: No.

Registration: No.

Insurance: Yes.

Postal forms required:

1 Form 2922 (Parcel-post sticker).  
1 Form 2966 (Customs declaration).

H. In country "Madeira Islands," under Parcel Post, amend the tabular information immediately following the item *Air parcel rates* to read as follows:

Weight limit: 22 pounds.

Sealing: Insured parcels must, and ordinary parcels may, be sealed.

Group shipments: No.

Registration: No.

Insurance: Yes. (Same as Portugal.)

Postal forms required:

1 Form 2922 (Parcel-post sticker).  
1 Form 2966 (Customs declaration).  
1 Form 2972 (Dispatch note).

I. In country "Morocco" (including Southern Protectorate), make the following changes:

1. Under Postal union mail, amend the item *Prohibitions and import restrictions* to read as follows:

*Prohibitions and import restrictions.* Manufactured and unmanufactured platinum, gold or silver; jewelry and other precious articles.

Coins and banknotes, unless imported by the State Bank of Morocco or a banking establishment authorized by the Moroccan Government.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

2. Under Parcel Post, strike out the item "*Prohibitions and Import Restrictions*" and insert in lieu thereof the following:

*Prohibitions.* For reasons of public safety: Arms, except deluxe and hunting arms authorized for supply to dealers or for strictly personal use by individuals.

Nipples and pacifiers made of substances other than pure rubber.

Arms, etc.: War arms and parts thereof, except for the Ministry of War.



State monopolies: Leaf tobacco, manufactured tobacco and kiff, except for the Tobacco Monopoly. However, tobacco required for reasons of health or habit may be imported by individuals for their personal use, subject to previous authorization.

For other reasons: Articles bearing false indications or any designs resembling national Moroccan decorations.

Import restrictions: Addressees are required to obtain import licenses in some cases. Special licenses are required for tobacco products, admissible firearms, motion-picture films, white lead and other lead compounds.

J. In country "Portugal," under Parcel Post, make the following changes:

1. Amend the tabular information immediately following the item *Air parcel rates* to read as follows:

Weight limit: 22 pounds.  
Sealing: Insured parcels must, and ordinary parcels may, be sealed.  
Group shipments: No.  
Registration: No.  
Insurance: Yes (Same as Portugal).  
Postal forms required:  
1 Form 2922 (Parcel-post sticker).  
1 Form 2966 (Customs declaration).

2. Strike out the item "*Registration and insurance*", and insert in lieu thereof the following:

*Insurance.* The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee, cents
Not over \$10.....	20
From \$10.01 to \$25.....	25
From \$25.01 to \$50.....	35
From \$50.01 to \$100.....	55
From \$100.01 to \$165.....	60

Print on the wrapper, near the "Insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and, in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE  
\$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS  
77.25 GOLD FRANCS

See Part 123 of this chapter for method of converting United States currency into gold francs and general information on insurance.

Parcels containing coin, valuable jewelry, or any other precious article must be insured.

K. In country "Rhodesia and Nyasaland (Federation of)," under Parcel Post, add a new paragraph to the item *Prohibitions* to read as follows:

Bank notes as well as gold, platinum, silver, jewels and other precious articles.

L. In country "Spain," under Parcel Post, the item *Prohibitions* is amended to read as follows:

*Prohibitions.* Tobacco (admitted only to the Canary Islands), cigarette lighters, military arms, airguns and blowguns. Playing cards.

M. In country "Sweden," under Parcel Post, amend the item *Import restrictions* to read as follows:

*Import restrictions.* Merchandise may be imported only under license issued by the Swedish authorities, except for articles not exceeding 275 crowns (\$53) in value sent as gifts for the personal use of the addressee or his family.

N. In country "Trinidad and Tobago," under Parcel Post, amend the item *Import restrictions* to read as follows:

*Import restrictions.* Addressees are required to obtain import licenses in most cases. The licenses must be obtained before the parcels arrive.

O. In country "Union of South Africa (Province of Cape of Good Hope, Natal [including Zululand and Amatongaland], Orange Free State and Transvaal; also British Bechuanaland, Swaziland and Basutoland)" under Parcel Post, amend the fourth paragraph of the item *Prohibitions* to read as follows:

Honey and preparations of honey including "royal jelly", preserves sweetened with honey, and flypaper.

P. In "Places not included in alphabetical list of countries", make the following changes:

1. "Canal Zone", as it appears in alphabetical order therein, is amended to read as follows:

Canal Zone (U.S. Poss. See P.O. Dir. and Part 2 and § 15.6(d) of this chapter).

2. Insert "Christmas Island (Australia)" in the proper alphabetical order therein.

3. Strike out "Christmas Island (Malaya)" where it appears alphabetically therein.

4. Strike out the reference to "Pt. 112, P.M." where it appears in the country items therein, and insert in lieu thereof "Pt. 2 of this chapter".

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] • HERBERT B. WARBURTON.  
General Counsel.

[F.R. Doc. 59-4137; Filed, May 15, 1959; 8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1847]

[Fairbanks 019801]

#### ALASKA

### Withdrawing Public Lands for Use of the Department of the Air Force in Connection With Clear Air Force Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Air Force as an addition to Clear Air Force Station:

FAIRBANKS MERIDIAN

T. 7 S., R. 8 W.,  
Sec. 4, lots 3 and 4, S½NW¼, and SW¼;  
Sec. 5, lot 1, SE¼NE¼, and SE¼;  
Sec. 8, E½NW¼, that portion of the NE¼ lying west of the Alaska Railroad right-of-way.

The areas described aggregate 709.59 acres.

ROGER ERNST,  
Assistant Secretary of the Interior.

MAY 12, 1959.

[F.R. Doc. 59-4133; Filed, May 15, 1959; 8:45 a.m.]

## Title 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### PART 33—CENTRAL REGION

### Subpart—Valentine National Wildlife Refuge, Nebraska

#### FISHING

*Basis and purpose.* Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 7151), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that fishing on the Valentine National Wildlife Refuge, Nebraska, would be consistent with the management of the refuge.

By notice of proposed rule making published in the FEDERAL REGISTER of April 3, 1959 (24 F.R. 2586), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit fishing on the Valentine National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, § 33.341 of Part 33, Subpart—Valentine National Wildlife Refuge, Nebraska, is revised and adopted as follows:

§ 33.341 Sport fishing permitted.

Subject to the applicable provisions contained in Parts 18 and 21 of this chapter, sport or noncommercial fishing is permitted during the daylight hours in



accordance with the laws of the State of Nebraska, during the period March 16 to December 14, inclusive, in the waters of Clear, Dewey, Hackberry, Pelican, Watts, and Willow Lakes within the Valentine National Wildlife Refuge: *Provided*, That no person at any time, while on any part of the refuge, shall use for bait any minnows, fish, or parts thereof, either alive or dead, or have in

his possession any such bait, or any seine or net that may be used for capturing minnows: *Provided further*, That fishing is prohibited during the open season for the hunting of migratory waterfowl.

In accordance with the requirements imposed by section 4(c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U.S.C. 1003(c), the foregoing amendment shall become effective

on the 31st day following publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 7151)

Dated: May 12, 1959.

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

[F.R. Doc. 59-4131; Filed, May 15, 1959;  
8:45 a.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Parts 171-174 ]

#### LANDS LEASED FOR MINERAL DEVELOPMENT TO BE IN COMPACT BODY

##### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of May 11, 1938 (52 Stat. 347), March 3, 1909 (32 Stat. 781), June 4, 1920 (41 Stat. 751), as amended by the Act of May 26, 1926 (44 Stat. 658), and May 27, 1908 (35 Stat. 312), it is proposed to amend §§ 171.8 and 174.9, and to add new sections to Parts 172 and 173 to read as set forth below. The purpose of these amendments and additions is to provide that certain Indian tribal and individual Indian allotted lands leased for mining shall be in a reasonably compact body and, wherever practicable, shall conform to the system of public land surveys.

The proposed amendments and additions relate to matters which are exempt from rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments and additions, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 12, 1959.

1. Section 171.8 is amended to read as follows:

##### § 171.8 Lands to be in compact body.

The area covered by a lease shall be reasonably compact although not necessarily contiguous and, wherever practicable, shall conform to the system of public land surveys.

2. Section 172.6c, a new section, is added to read as follows:

No. 96—4

##### § 172.6c Lands to be in compact body.

The area covered by a lease shall be reasonably compact although not necessarily contiguous and, wherever practicable, shall conform to the system of public land surveys.

3. Section 173.4c, a new section, is added to read as follows:

##### § 173.4c Lands to be in compact body.

The area covered by a lease shall be reasonably compact although not necessarily contiguous and, wherever practicable, shall conform to the system of public land surveys.

4. Section 174.9 is amended to change the caption, and to read as follows:

##### § 174.9 Lands to be in compact body.

The area covered by a lease shall be reasonably compact although not necessarily contiguous and, wherever practicable, shall conform to the system of public land surveys.

[F.R. Doc. 59-4132; Filed, May 15, 1959;  
8:45 a.m.]

### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Part 51 ]

#### UNITED STATES STANDARDS FOR NECTARINES

##### Extension of Time

A proposal for revision of the United States Standards for Nectarines (§§ 51.3145 to 51.3159) was set forth in the notice which was published in the FEDERAL REGISTER on March 24, 1959 (24 F.R. 2278).

In consideration of data, comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until December 31, 1959, of the period of time within which written data, views and arguments may be submitted by interested persons for consideration in connection with the aforesaid proposed revision of the United States Standards for Nectarines.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vege-

table Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Dated: May 13, 1959.

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 59-4146; Filed, May 15, 1959;  
8:48 a.m.]

[ 7 CFR Part 52 ]

#### UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED, LOW-MOISTURE PRUNES<sup>1</sup>

##### Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Dehydrated, Low-Moisture Prunes pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

##### PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES

Sec.	
52.3231	Product description.
52.3232	Moisture of low-moisture prunes.
52.3233	Styles of low-moisture prunes.
52.3234	Grades of low-moisture prunes.

##### FACTORS OF QUALITY

52.3235	Ascertaining the grade.
52.3236	Ascertaining the rating for the factors which are scored.
52.3237	Color.
52.3238	Uniformity of size and count.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.



Sec.

52.3239 Absence of defects.

52.3240 Texture.

## EXPLANATIONS AND METHODS OF ANALYSES

52.3241 Explanations of methods and analyses.

## LOT INSPECTION AND CERTIFICATION

52.3242 Ascertaining the grade of a lot.

## SCORE SHEET

52.3243 Score sheet for low-moisture prunes.

AUTHORITY: §§ 52.3231 to 52.3243 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

## PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES

## § 52.3231 Product description.

Dehydrated, low-moisture prunes, hereinafter referred to as "low-moisture prunes", are prepared from clean and sound fresh prune-plums of previously dried prunes, are pitted and otherwise prepared into various sizes and shapes; are prepared to assure a clean, sound, wholesome product; are processed by dehydration whereby practically all of the moisture is removed to produce a very dry texture; and are packaged (including kind of container and proper closure) to assure retention of the low-moisture characteristics of the product.

## § 52.3232 Moisture of low-moisture prunes.

The moisture content of the finished product shall be not more than the following for the respective styles:

Nugget-type—2.5 percent.

Pieces—2.5 percent.

Whole Pitted—3.5 percent.

## § 52.3233 Styles of dehydrated prunes.

(a) *Nugget-type*. "Nugget-type" is especially processed to produce popcorn-like or form-textured units of irregular-shapes of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{8}$ -inch) square openings.

(b) *Pieces*. "Pieces" consist of irregularly-shaped cut or chopped pieces of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{8}$ -inch) square openings.

(c) *Whole pitted*. "Whole pitted" dehydrated prunes, except for mechanical marking or damage from pitting, are otherwise partially or substantially whole units.

## § 52.3234 Grades of low-moisture prunes.

(a) "U.S. Grade A" or ("U.S. Fancy") low-moisture prunes is the quality of low-moisture prunes that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size and count, that are practically free from defects, that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the low-moisture prunes may possess a reasonably good texture, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") low-moisture prunes is the quality of low-moisture prunes that possess a normal flavor and odor, that possess a

reasonably good color, that are fairly uniform in size and count, that are reasonably free from defects, that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" low-moisture prunes is the quality of low-moisture prunes that fail to meet the requirements of U.S. Grade B.

## FACTORS OF QUALITY

## § 52.3235 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*

(1) Flavor and odor.

(b) *Factors rated by score points.* (1)

The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color.....	20
(ii) Uniformity of size and count.....	20
(iii) Absence of defects.....	40
(iv) Texture.....	20
Total score.....	100

(2) The factors of flavor and odor, color, certain defects as may be applicable, and texture are ascertained upon the low-moisture prunes and the cooked product as specified in this subpart.

(c) *Flavor and odor*. "Normal flavor and odor" means that the low-moisture prunes and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors (including definite scorched flavor) or objectionable odors of any kind.

## § 52.3236 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

## § 52.3237 Color.

(a) (A) *classification*. Low-moisture prunes that possess a good color may be given a score of 17 to 20 points. "Good color" means that in the style of "nugget-type" the color may range from characteristic light chocolate brown to darker brown but the over-all color impression is reasonably uniform; and that in the style of "pieces" or "whole pitted", the units may vary from characteristic blue-black typical of the exterior skin color, and chocolate brown to darker brown typical of the interior color, of low-moisture prunes; and that such characteristic color of any style, after cooking, is a reasonably rich color typical of cooked low-moisture prunes that have been properly prepared and processed.

(b) (B) *classification*. If the low-moisture prunes possess a reasonably good color, a score of 14 to 16 points may be given. Low-moisture prunes

that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that in the style of "nugget-type" the color may vary noticeably in shades of brown color; and that in the style of "pieces" or "whole pitted", the units may possess a variable dull blue-black to very dark brown color; and that in any style, after cooking, the color may be dull but is typical of cooked low-moisture prunes that have been properly prepared and processed and is not off-color for any reason.

(c) (SStd) *classification*. Low-moisture prunes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

## § 52.3238 Uniformity of size and count.

(a) (A) *classification*. Low-moisture prunes that are reasonably uniform in size and count may be given a score of 17 to 20 points. "Reasonably uniform in size and count" has the following meanings for the applicable style:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$ -inch) square openings and not more than 10 percent, by weight, of the low-moisture prunes may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Whole pitted*. Not more than 3 percent, by weight, of the low-moisture prunes may consist of small pieces that pass through meshes of a U.S. Standard No. 4 sieve (0.187-inch,  $\pm 3$  percent, square openings); and the count of full-size units (after removal of small pieces and partial or inseparable units) is not less than 110 nor more than 130 per pound.

(b) (B) *classification*. If the low-moisture prunes are fairly uniform in size and count, a score of 14 to 16 points may be given. Dehydrated prunes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and count" has the following meanings for the applicable style:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$ -inch) square openings and not more than 25 percent, by weight, of the low-moisture prunes may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Whole pitted*. Not more than 5 percent, by count, of the low-moisture prunes may consist of small pieces that pass through meshes of a U.S. Standard No. 4 sieve (0.187-inch  $\pm 3$  percent, square openings); and the count of full-size units (after removal of small pieces and partial or inseparable units) may be less than 110 but is not more than 140 per pound.

(c) (SStd) *classification*. Low-moisture prunes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard,



regardless of the total score for the product (this is a limiting rule).

#### § 52.3239 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from damaged and seriously damaged units, from partial units and inseparable units in whole pitted style, from units affected by pit material in whole pitted style, and from other defects or injury that affect the appearance or eating quality of the units or product.

(b) *Definitions.* (1) "Damaged units" are units that possess defects which materially affect the appearance of the low-moisture prunes and are of such nature that they may or may not disappear upon cooking. Units that are mechanically damaged by pitting, or other preparation including smaller perforations, are not considered "damaged units." "Damaged units" include, but are not limited to, units that possess scars, blemishes, insect injury, or other similar abnormality.

(2) "Seriously damaged units" include units that are excessively darkened due to scorching or burning, that possess serious scars, serious blemishes, serious insect injury, or other serious abnormality, or which in any other way possess defects that seriously affect the appearance of the low-moisture prunes and that the damage is of such nature that it does not disappear upon cooking.

(3) "Partial units" in whole pitted style consist of portions of whole pitted low-moisture prunes which are less than three-fourths of an apparent whole pitted prune.

(4) "Inseparable units" in whole pitted style consist of two or more partial units and/or whole pitted prunes which are so stuck together that they may not be readily separated in the low-moisture prunes.

(5) "Affected by pieces of pit" in whole pitted style means units that are affected by not more than two fragments of pit which are smaller than  $\frac{1}{4}$  inch or less in their longest dimension.

(6) "Seriously affected by pieces of pit" in whole pitted style means:

(i) Units that have more than two fragments of pit which are smaller than  $\frac{1}{4}$  inch or less in their longest dimension; and

(ii) Units that have a piece or pieces of pit which are larger than  $\frac{1}{4}$  inch in their longest dimension.

(c) (A) *classification.* Low-moisture prunes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the low-moisture prunes in any style are practically free from any defects that affect more than slightly the appearance or eating quality either in the low-moisture prunes or after cooking; and in whole pitted style there may be present not more than the following:

(1) *Whole pitted.* (i) A total of 5 percent, by weight, of the low-moisture prunes may be damaged: *Provided*, That not more than 2 percent, by weight, of the low-moisture prunes may be seriously damaged;

(ii) 5 percent, by weight, of the low-moisture prunes may be partial and inseparable units; and

(iii) A total of 3 percent, by weight, of the low-moisture prunes may be affected by pieces of pit: *Provided*, That not more than 1 percent, by weight, of the low-moisture prunes may be seriously affected by pieces of pit.

(d) (B) *classification.* If the low-moisture prunes are reasonably free from defects, a score of 28 to 33 points may be given. Low-moisture prunes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the low-moisture prunes in any style are reasonably free from any defects that affect materially the appearance or eating quality either in the low-moisture prunes or after cooking; and in whole pitted style there may be present not more than the following:

(1) *Whole pitted.* (i) A total of 10 percent, by weight, of the low-moisture prunes may be damaged: *Provided*, That not more than 4 percent, by weight, of the low-moisture prunes may be seriously damaged;

(ii) 15 percent, by weight, of the low-moisture prunes may be partial and inseparable units; and

(iii) A total of 5 percent, by weight, of the low-moisture prunes may be affected by pieces of pit: *Provided*, That not more than 2 percent, by weight, of the low-moisture prunes may be seriously affected by pieces of pit.

(e) (SStd) *classification.* Low moisture prunes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.3240 Texture.

(a) (A) *classification.* Low-moisture prunes that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the low-moisture prunes that the units may vary in texture from partially pliable to brittle but are otherwise reasonably uniform in texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type.* The cooked mass has a reasonably uniform texture and finish that is coarse or grainy without practically any hard particles.

(2) *Pieces.* The cooked product is practically free from hard, firm, or tough units and there is no more than moderate disintegration except for small pieces that may have been present.

(3) *Whole pitted.* The cooked product is practically free from hard or tough units and substantially retains the semblance of whole pitted prunes except for small pieces that may have been present.

(b) (B) *classification.* If the low-moisture prunes possess a reasonably good texture, a score of 14 to 16 points may be given. "Reasonably good texture" means with respect to the low-moisture prunes that the units may vary in texture from partially pliable to brittle and may lack uniformity of texture; and, after cooking in accordance with the method outlined in this subpart,

meet the following requirements for the applicable style:

(1) *Nugget-type.* The cooked mass has a fairly uniform texture and finish that may range from fine and grainy to coarse and grainy; and hard particles may be noticeable but not objectionable.

(2) *Pieces.* The cooked product is fairly free from hard, firm, or tough units and may disintegrate generally into a coarse, saucelike consistency.

(3) *Whole pitted.* The cooked product is fairly free from hard or tough units and may consist of ragged or broken larger pieces and whole pitted units intermingled with slight amount of mushiness from small pieces which may have been present.

(c) (SStd) *classification.* Low-moisture prunes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### EXPLANATIONS AND METHODS OF ANALYSES

##### § 52.3241 Explanations of methods and analyses.

(a) *Moisture method.* "Moisture" in low-moisture prunes is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" or in accordance with methods which produce equivalent results.

(b) *Cooking procedure—(1) General.* The cooking procedures that follow are not intended to be a recipe for purposes of food preparation but are for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(2) *Method.* Add 50 grams of low-moisture prunes to 400 ml. of water in a pan of such size as to cover the prunes, cover pan, bring to a boil, and simmer with only gentle and occasional stirring for the time specified for the respective styles:

(i) *Nugget-type; pieces.* 15 minutes.

(ii) *Whole pitted.* 20 minutes.

(c) *Screening method.* The technique for ascertaining compliance with the requirements for particles that pass through U.S. Standard No. 4 and No. 8 sieves is as follows:

(1) *Nugget-type; pieces.* (i) Place a 100-gram representative sample of low-moisture prunes on a U.S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 8 sieve.

(2) *Whole Pitted.* (i) From a 100-gram representative sample of low-moisture whole pitted prunes, remove all definitely whole pitted prunes, large pieces thereof, or inseparable units, and place the remaining smaller pieces on a U.S. Standard No. 4, 8-inch diameter,



full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 10 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 4 sieve.

#### LOT INSPECTION AND CERTIFICATION

##### § 52.3242 Ascertaining the grade of a lot.

The grade of a lot of low-moisture prunes covered by these standards is determined by the procedure set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

#### SCORE SHEET

##### § 52.3243 Score sheet for low-moisture prunes.

Size and kind of container.....	-----
Container mark or identification.....	-----
Label.....	-----
Net weight.....	-----
Moisture content (percent).....	-----
Style.....	-----
Count (whole pitted) per lb.....	-----

  

Factors	Score points
Color.....	20
Uniformity of size and count.....	20
Absence of defects.....	40
Texture.....	20
Total score.....	100

  

Flavor and odor ( ) Normal ( ) Off.....	-----
Grade.....	-----

\* Indicates limiting rule.

Dated: May 13, 1959.

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F.R. Doc. 59-4144; Filed, May 15, 1959;  
8:47 a.m.]

#### 17 CFR Part 52.1

### UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED, LOW-MOISTURE APRICOTS<sup>1</sup>

#### Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Dehydrated,

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Low-Moisture Apricots pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

#### PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES

##### Sec.

- 52.3871 Product description.  
52.3872 Moisture of low-moisture apricots.  
52.3873 Styles of low-moisture apricots.  
52.3874 Grades of low-moisture apricots.

#### FACTORS OF QUALITY

- 52.3875 Ascertaining the grade.  
52.3876 Ascertaining the rating for the factors which are scored.  
52.3877 Color.  
52.3878 Uniformity of size.  
52.3879 Absence of defects.  
52.3880 Texture.

#### EXPLANATIONS AND METHODS OF ANALYSES

- 52.3881 Explanations of methods and analyses.

#### LOT INSPECTION AND CERTIFICATION

- 52.3882 Ascertaining the grade of a lot.

#### SCORE SHEET

- 52.3883 Score sheet for low-moisture apricots.

AUTHORITY: §§ 52.3871 to 52.3883 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

#### PRODUCT DESCRIPTION, MOISTURE, STYLES, AND GRADES

##### § 52.3871 Product description.

Dehydrated low-moisture apricots, hereinafter referred to as "low-moisture apricots" are prepared from clean and sound fresh or previously dried apricots which are cut, chopped, or otherwise prepared into various sizes and shapes; are prepared to assure a clean, sound, wholesome product; are processed by dehydration whereby practically all of the moisture is removed to produce a very dry texture; and are packaged (including kind of container and proper closure) to assure retention of the low-moisture characteristics of the product. The product shall have been subjected to sulfur treatment sufficiently to retain a characteristic color but no other additives may be present.

##### § 52.3872 Moisture of low-moisture apricots.

The moisture content of the finished product shall be not more than the following for the respective styles:

Nugget-type—3.5 percent.  
Pieces—3.5 percent.  
Diced—5.0 percent.  
Sliced—5.0 percent.

##### § 52.3873 Styles of low-moisture apricots.

(a) *Nugget-type*. "Nugget-type" is especially processed to produce popcorn-like or foam-textured units of irregular shapes of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{16}$ -inch) square openings.

(b) *Pieces*. "Pieces" consist of irregularly-shaped cut or chopped pieces of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{16}$ -inch) square openings.

(c) *Diced*. "Diced" consists of predominantly partial cube-shaped units with a square dimension on one surface of such units.

(d) *Slices*. "Slices" consist of predominantly parallel-cut strips of irregular shapes and thicknesses.

##### § 52.3874 Grades of low-moisture apricots.

(a) "U.S. Grade A" (or "U.S. Fancy") low-moisture apricots is the quality of low-moisture apricots that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the low-moisture apricots may be fairly uniform in size and may possess a reasonably good texture, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") low-moisture apricots is the quality of low-moisture apricots that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the low-moisture apricots may vary in uniformity of size, if the total score is not less than 70 points.

(c) "Substandard" low-moisture apricots is the quality of low-moisture apricots that fail to meet the requirements of U.S. Grade B.

#### FACTORS OF QUALITY

##### § 52.3875 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.*  
(1) Flavor and odor.

(b) *Factors rated by score points.* (1) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color.....	20
(ii) Uniformity of size.....	20
(iii) Absence of defects.....	40
(iv) Texture.....	20
Total score.....	100

(2) The factors of flavor and odor, color, certain defects as may be appli-



cable, and texture are ascertained upon the low-moisture apricots and the cooked product as specified in this subpart.

(c) *Flavor and odor.* "Normal flavor and odor" means that the low-moisture apricots and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the low-moisture apricots indicative of proper sulfur treatment is not considered objectionable unless after cooking the flavor is objectionable from such detectable cause.

**§ 52.3876** Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

**§ 52.3877** Color.

(a) (A) *classification.* Low-moisture apricots that possess a good color may be given a score of 17 to 20 points. "Good color" means that the over-all color is characteristic for the product ranging from bright reddish-orange to bright orange-amber among the units and within individual units and is reasonably uniform; and that such characteristic color, upon cooking, is a reasonably bright color typical of cooked low-moisture apricots that have been properly prepared and processed.

(b) (B) *classification.* If the low-moisture apricots possess a reasonably good color, a score of 14 to 16 points may be given. Low-moisture apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the overall color may vary considerably ranging from slightly dull orange to dull amber; and that such characteristic color, upon cooking, may be slightly dull but is typical of cooked low-moisture apricots that have been properly prepared and processed.

(c) (SStd) *classification.* Low-moisture apricots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.3878** Uniformity of size.

(a) (A) *classification.* Low-moisture apricots that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces.* Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$ -inch) square openings and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Diced.* Practically all of the units, except for fine pieces, are definite partial

cube-shapes and not less than 60 percent, by weight, of the low-moisture apricots approximate cube-shapes of  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch square on one surface dimension; and not more than 5 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(3) *Slices.* Practically all of the units, except for small pieces, are definite parallel-cut strips and not less than 70 percent, by weight, of the dehydrated apricots approximate  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch in width and approximate  $\frac{3}{4}$  inch or more in length; and not more than 5 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(b) (B) *classification.* If the low-moisture apricots are fairly uniform in size, a score of 14 to 16 points may be given. "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces.* Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$ -inch) square openings and not more than 25 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Diced.* Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 40 percent, by weight, of the dehydrated apricots approximate cube-shapes of  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch square on one surface dimension; and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(3) *Slices.* Practically all of the units, except for small pieces, are definite parallel-cut strips of varying lengths; and not less than 50 percent, by weight, of the low-moisture apricots approximate  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch in width; and not more than 10 percent, by weight, of the low-moisture apricots may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(c) (SStd) *classification.* Low-moisture apricots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

**§ 52.3879** Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from damaged and seriously damaged units and from other defects or injury that affect the appearance or eating quality of the units or product.

(b) *Definitions.* (1) "Damaged units" are units that possess defects which materially affect the appearance of the low-moisture apricots and are of such nature that they may or may not disappear upon cooking and include, but are not limited to:

(i) Units that are definitely mechanically damaged other than from preparation by cutting or chopping; and

(ii) Units that possess scars, blemishes, insect injury, or other abnormality.

(2) "Seriously damaged units" include units that are seriously darkened (very dark brown to black) or which in any other way seriously affect the appearance of the low-moisture apricots and that the damage is of such nature that it does not disappear upon cooking.

(c) (A) *classification.* Low-moisture apricots that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the low-moisture apricots are practically free from any defects that affect more than slightly the appearance or eating quality either in the low-moisture apricots or after cooking; and that not more than a total of 5 percent, by weight, of the low-moisture apricots may be damaged units: *Provided*, That not more than 2 percent, by weight, of the low-moisture apricots may be seriously damaged units.

(d) (B) *classification.* If the low-moisture apricots are reasonably free from defects, a score of 28 to 33 points may be given. Low-moisture apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the low-moisture apricots are reasonably free from any defects that affect materially the appearance or eating quality either in the low-moisture apricots or after cooking; and that not more than a total of 10 percent, by weight, of the low-moisture apricots may be damaged units: *Provided*, That not more than 4 percent, by weight, of the low-moisture apricots may be seriously damaged units.

(e) (SStd) *classification.* Low-moisture apricots that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.3880** Texture.

(a) (A) *classification.* Low-moisture apricots that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the low-moisture apricots that the units may vary in texture from partially pliable to brittle but are otherwise reasonably uniform in texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type.* The cooked mass has a reasonably uniform texture and finish that is coarse or grainy without practically any hard particles.

(2) *Pieces.* The cooked product is practically free from hard, firm, or tough units and there is no more than moderate disintegration except for fine pieces that may have been present.

(3) *Diced.* The cooked product is practically free from hard or tough units and substantially retains the semblance of diced apricots except for small pieces or odd-shaped pieces that may have been present.



(4) *Slices*. The cocked product is practically free from hard or tough units and substantially retains the semblance of strips of apricots except for small pieces or odd-shaped pieces that may have been present.

(b) (B) *classification*. If the low-moisture apricots possess a reasonably good texture, a score of 14 to 16 points may be given. "Reasonably good texture" means with respect to the low-moisture apricots that the units may vary in texture from partially pliable to brittle and may lack uniformity of texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type*. The cooked mass has a fairly uniform texture and finish that may range from fine and grainy to coarse and grainy; and hard particles may be noticeable but not objectionable.

(2) *Pieces*. The cooked product is fairly free from hard, firm, or tough units and may disintegrate generally into a coarse, saucelike consistency.

(3) *Diced*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of diced apricot pieces intermingled with a slight amount of mushiness from small pieces which may have been present.

(4) *Slices*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of strips of apricots intermingled with a slight amount of mushiness from small pieces which may have been present.

(c) (SStd) *classification*. Low-moisture apricots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### EXPLANATION AND METHODS OF ANALYSES

##### § 52.3881 Explanations of methods and analyses.

(a) *Moisture method*. "Moisture" in low-moisture apricots is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" or in accordance with methods which produce equivalent results.

(b) *Cooking procedure*—(1) *General*. The cooking procedures that follow are not intended to be a recipe for purposes of food preparation but are for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(2) *Method*. Add 50 grams of low-moisture apricots to 400 ml. of water, bring to a boil, and simmer with only gentle and occasional stirring for the time specified for the respective styles: °

(i) *Nugget-type; pieces*. Simmer for 15 minutes.

(ii) *Diced; sliced*. Simmer for 25 minutes.

(c) *Screening method*. The technique for ascertaining compliance with the requirements in all styles for particles that pass through a U.S. Standard No. 8 sieve is as follows:

(1) *Nugget-type; pieces; diced; slices*. (i) Place a 100-gram representative sam-

ple of the low-moisture apricots on a U.S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 8 sieve.

#### LOT INSPECTION AND CERTIFICATION

##### § 52.3882 Ascertaining the grade of a lot.

The grade of a lot of low-moisture apricots covered by these standards is determined by procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

#### SCORE SHEET

##### § 52.3883 Score sheet for low-moisture apricots.

Size and kind of container.....		
Container mark or identification.....		
Label (including statement of sulphur content).....		
Net weight.....		
Moisture content (percent).....		
Style.....		
Factors	Score points	
Color.....	20	((A) 17-20 (B) 14-16 (SStd) 10-13
Uniformity of size.....	20	((A) 17-20 (B) 14-16 (SStd) 10-13
Absence of defects.....	40	((A) 34-40 (B) 128-33 (SStd) 10-27
Texture.....	20	((A) 17-20 (B) 14-16 (SStd) 10-13
Total score.....	100	
Flavor and odor ( ) Normal ( ) Off.....		
Grade.....		

1 Indicates limiting rule.  
2 Indicates partial limiting rule.

Dated: May 13, 1959.

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[FR. Doc. 59-4143; Filed, May 15, 1959;  
8:47 a.m.]

#### [ 7 CFR Part 52 ]

### UNITED STATES STANDARDS FOR GRADES OF DEHYDRATED, LOW-MOISTURE PEACHES <sup>1</sup>

#### Notice of Proposed Rule Making.

Notice is hereby given that the United States Department of Agriculture is con-

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations. Considering the issuance of United States Standards for Grades of Dehydrated,

Low-Moisture Peaches pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

#### PRODUCT DESCRIPTION, MOISTURE, STYLES, GRADES

Sec.  
52.3911 Product description.  
52.3912 Moisture of low-moisture peaches.  
52.3913 Styles of low-moisture peaches.  
52.3914 Grades of low-moisture peaches.

#### FACTORS OF QUALITY

52.3915 Ascertaining the grade.  
52.3916 Ascertaining the rating for the factors which are scored. ◊  
52.3917 Color.  
52.3918 Uniformity of size.  
52.3919 Absence of defects.  
52.3920 Texture.

#### EXPLANATIONS AND METHODS OF ANALYSES

52.3921 Explanations of methods and analyses.

#### LOT INSPECTION AND CERTIFICATION

52.3922 Ascertaining the grade of a lot.

#### SCORE SHEET

52.3923 Score sheet for low-moisture peaches.

AUTHORITY: §§ 52.3911 to 52.3923 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

#### PRODUCT DESCRIPTION, MOISTURE, STYLES, AND GRADES

##### § 52.3911 Product description.

Dehydrated, low-moisture peaches, hereinafter referred to as "low-moisture peaches", are prepared from clean and sound fresh or previously dried peaches which are cut, chopped, or otherwise prepared into various sizes and shapes; are prepared to assure a clean, sound, wholesome product; are processed by dehydration whereby practically all of the moisture is removed to produce a very dry texture; and are packaged (including kind of container and proper closure) to assure retention of the low-moisture characteristics of the product. The product shall have been subjected to sulfur treatment sufficiently to retain a characteristic color but no other additives may be present.

##### § 52.3912 Moisture of low-moisture peaches.

The moisture content of the finished product shall be not more than the following for the respective styles:

Nugget-type—3.0 percent.  
Pieces—3.0 percent.  
Dices—5.0 percent.  
Sliced—5.0 percent.



### § 52.3913 Styles of low-moisture peaches.

(a) *Nugget-type*. "Nugget-type" is especially processed to produce popcorn-like or foam-textured units of irregular-shapes of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{8}$  inch) square openings.

(b) *Pieces*. "Pieces" consist of irregularly-shaped cut or chopped pieces of such size that practically all of the units will pass through 0.625 inch ( $\frac{5}{8}$  inch) square openings.

(c) *Diced*. "Diced" consists of predominantly partial cube-shaped units with a square dimension on one surface of such units.

(d) *Slices*. "Slices" consist of predominantly parallel-cut strips of irregular shapes and thicknesses.

### § 52.3914 Grades of low-moisture peaches.

(a) "U.S. Grade A" (or "U.S. Fancy") low-moisture peaches is the quality of low-moisture peaches that possess a normal flavor and odor, that possess a good color, that are reasonably uniform in size, that are practically free from defects, that possess a good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the low-moisture peaches may be fairly uniform in size and may possess a reasonably good texture if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") low-moisture peaches is the quality of low-moisture peaches that possess a normal flavor and odor, that possess a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that possess a reasonably good texture; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the low-moisture peaches may vary in uniformity of size, if the total score is not less than 70 points.

(c) "Substandard" low-moisture peaches is the quality of low-moisture peaches that fail to meet the requirements of U.S. Grade B.

#### FACTORS OF QUALITY

### § 52.3915 Ascertaining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points*. (1) Flavor and odor.

(b) *Factors rated by score points*. (1) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color.....	20
(ii) Uniformity of size.....	20
(iii) Absence of defects.....	40
(iv) Texture.....	20
Total score.....	100

(2) The factors of flavor and odor, color, certain defects as may be applicable, and texture are ascertained upon

the low-moisture peaches and the cooked product as specified in this subpart.

(c) *Flavor and odor*. "Normal flavor and odor" means that the low-moisture peaches and the cooked product possess a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the low-moisture peaches indicative of proper sulphur treatment is not considered objectionable unless after cooking the flavor is objectionable from such detectable cause.

### § 52.3916 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

### § 52.3917 Color.

(a) (A) *classification*. Low-moisture peaches that possess a good color may be given a score of 17 to 20 points. "Good color" means that the over-all color is characteristic for the product ranging from deep rich yellow or yellow-orange to deeper orange-amber among the units and within individual units and is reasonably uniform; and that such characteristic color, upon cooking, is a reasonably bright color typical of cooked low-moisture peaches that have been properly prepared and processed.

(b) (B) *classification*. If the low-moisture peaches possess a reasonably good color, a score of 14 to 16 points may be given. Low-moisture peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the over-all color may vary considerably ranging from slightly dull yellow or slightly dull yellow-orange to darker orange and dark amber; and that such characteristic color, upon cooking, may be slightly dull but is typical of cooked low-moisture peaches that have been properly prepared and processed.

(c) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

### § 52.3918 Uniformity of size.

(a) (A) *classification*. Low-moisture peaches that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$  inch) square openings and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 60 per-

cent, by weight, of the low-moisture peaches approximate cube-shapes of  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch square on one surface dimension; and not more than 5 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips and not less than 70 percent, by weight, of the low-moisture peaches approximate  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch in width and approximate  $\frac{3}{4}$  inch or more in length; and not more than 5 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(b) (B) *classification*. If the low-moisture peaches are fairly uniform in size, a score of 14 to 16 points may be given. "Fairly uniform in size" has the following meanings for the respective styles:

(1) *Nugget-type; pieces*. Practically all of the units are of such size and shape as to pass through 0.625 ( $\frac{5}{8}$ -inch) square openings and not more than 25 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(2) *Diced*. Practically all of the units, except for fine pieces, are definite partial cube-shapes and not less than 40 percent, by weight, of the dehydrated peaches approximate cube-shapes of  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch square on one surface dimension; and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(3) *Slices*. Practically all of the units, except for small pieces, are definite parallel-cut strips of varying lengths; and not less than 50 percent, by weight, of the low-moisture peaches approximate  $\frac{1}{4}$  inch to  $\frac{1}{2}$  inch in width; and not more than 10 percent, by weight, of the low-moisture peaches may pass through meshes of a U.S. Standard No. 8 sieve (0.0937-inch,  $\pm 3$  percent, square openings).

(c) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

### § 52.3919 Absence of defects.

(a) *General*. The factor of absence of defects refers to the degree of freedom from damaged and seriously damaged units and from other defects or injury that affect the appearance or eating quality of the units or product.

(b) *Definitions*. (1) "Damaged units" are units that possess defects which materially affect the appearance of the low-moisture peaches and are of such nature that they may or may not disappear upon cooking and include, but are not limited to:

(i) Units that are definitely mechanically damaged other than from preparation by cutting or chopping; and



(ii) Units that possess scars, blemishes, insect injury, or other abnormality.

(2) "Seriously damaged units" include units that are seriously darkened (very dark brown to black) or which in any other way seriously affect the appearance of the low-moisture peaches and that the damage is of such nature that it does not disappear upon cooking.

(c) (A) *classification*. Low-moisture peaches that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the low-moisture peaches are practically free from any defects that affect more than slightly the appearance or eating quality either in the low-moisture peaches or after cooking; and that not more than a total of 5 percent, by weight, of the low-moisture peaches may be damaged units: *Provided*, That not more than 2 percent, by weight, of the low-moisture peaches may be seriously damaged units.

(d) (B) *classification*. If the low-moisture peaches are reasonably free from defects, a score of 28 to 33 points may be given. Low-moisture peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the low-moisture peaches are reasonably free from any defects that affect materially the appearance or eating quality either in the low-moisture peaches or after cooking; and that not more than a total of 10 percent, by weight, of the low-moisture peaches may be damaged units: *Provided*, That not more than 4 percent, by weight, of the low-moisture peaches may be seriously damaged units.

(e) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.3920 Texture.

(a) (A) *classification*. Low-moisture peaches that possess a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the low-moisture peaches that the units may vary in texture from partially pliable to brittle but reasonably uniform in texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type*. The cooked mass has a reasonably uniform texture and finish that is coarse or grainy without practically any hard particles.

(2) *Pieces*. The cooked product is practically free from hard, firm, or tough units and there is no more than moderate disintegration except for fine pieces that may have been present.

(3) *Diced*. The cooked product is practically free from hard or tough units and substantially retain the semblance of diced peaches except for small pieces or odd-shaped pieces that may have been present.

(4) *Slices*. The cooked product is practically free from hard or tough units

and substantially retains the semblance of strips of peaches except for small pieces or odd-shaped pieces that may have been present.

(b) (B) *classification*. If the low-moisture peaches possess a reasonably good texture, a score of 14 to 16 points may be given. "Reasonably good texture" means with respect to the low-moisture peaches that the units may vary in texture from partially pliable to brittle and may lack uniformity of texture; and, after cooking in accordance with the method outlined in this subpart, meet the following requirements for the applicable style:

(1) *Nugget-type*. The cooked mass has a fairly uniform texture and finish that may range from fine and grainy to coarse and grainy; and hard particles may be noticeable but not objectionable.

(2) *Pieces*. The cooked product is fairly free from hard, firm, or tough units and may disintegrate generally into a coarse, saucelike consistency.

(3) *Diced*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of diced peach pieces intermingled with a slight amount of mushiness from small pieces which may have been present.

(4) *Slices*. The cooked product is fairly free from hard or tough units and consists of substantial amounts of strips of peaches intermingled with a slight amount of mushiness from small pieces which may have been present.

(c) (SStd) *classification*. Low-moisture peaches that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### EXPLANATIONS AND METHODS OF ANALYSES

##### § 52.3921 Explanations of methods and analyses.

(a) *Moisture method*. "Moisture" in low-moisture peaches is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" or in accordance with methods which produce equivalent results.

(b) *Cooking procedure*—(1) *General*. The cooking procedures that follow are not intended to be a recipe for purposes of food preparation but are for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(2) *Method*. Add 50 grams of low-moisture peaches to 400 ml. of water, bring to a boil, and simmer with only gentle and occasional stirring for the time specified for the respective styles:

(i) *Nugget-type; pieces*. Simmer for 15 minutes.

(ii) *Diced; sliced*. Simmer for 25 minutes.

(c) *Screening method*. The technique for ascertaining compliance with the requirements in all styles for particles that pass through a U.S. Standard No. 8 sieve is as follows:

(1) *Nugget-type; pieces; diced; slices*.

(i) Place a 100 gram representative sample of the low-moisture peaches on a

U.S. Standard No. 8, 8-inch diameter, full-height sieve to which a bottom pan has been attached;

(ii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20 inches in a straight line and return to its original position, repeating the movement 20 times;

(iii) Weigh the fine material sifted through to the bottom pan and, on the basis of the original sample, calculate the percentage which passed through the No. 8 sieve.

#### LOT INSPECTION AND CERTIFICATION

##### § 52.3922 Ascertaining the grade of a lot.

The grade of a lot of low-moisture peaches covered by these standards is determined by procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

#### SCORE SHEET

##### § 52.3923 Score sheet for low-moisture peaches.

Size and kind of container.....		-----
Container mark or identification.....		-----
Label (including statement of sulphur content).....		-----
Net Weight.....		-----
Moisture content (percent).....		-----
Style.....		-----
Factors	Score points	
Color.....	20 <sup>1</sup>	(A) 17-20 (B) 14-16 (SStd) 10-13
Uniformity of size.....	20	(A) 17-20 (B) 14-16 (SStd) 10-13
Absence of defects.....	40	(A) 34-40 (B) 28-33 (SStd) 10-27
Texture.....	20	(A) 17-20 (B) 14-16 (SStd) 10-13
Total score.....	100	
Flavor and odor ( ) Normal ( ) Off.....		
Grade.....		

<sup>1</sup> Indicates limiting rule.

<sup>2</sup> Indicates partial limiting rule.

Dated: May 13, 1959.

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Service..

[F.R. Doc. 59-4142; Filed, May 15, 1959;  
8:47 a.m.]

#### [ 7 CFR Part 947 I

[Docket No. AO-313]

#### MILK IN SUBURBAN ST. LOUIS MARKETING AREA

##### Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at



the Broadview Hotel, Fifth and Broadway, East St. Louis, Illinois, beginning at 10:00 a.m., on June 1, 1959, with respect to a proposed marketing agreement and orders, regulating the handling of milk in the Suburban St. Louis marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Sanitary Milk Producers, Inc.; Square Deal Milk Producers Association; and Prairie Farms of Southern Illinois:

Proposal No. 1:

#### DEFINITIONS

##### § 947.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

##### § 947.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties, pursuant to the Act, of the Secretary of Agriculture.

##### § 947.3 Department.

"Department" means the United States Department of Agriculture or any other Federal Agency as may be authorized by Act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

##### § 947.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

##### § 947.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers as defined in § 900.7 of this chapter which the Secretary determines after application by the Association is qualified under the provisions of the Act of Congress, February 18, 1922, as amended, known as the "Capper Volstead Act".

##### § 947.6 Suburban St. Louis marketing area.

"Suburban St. Louis marketing area" hereinafter called "marketing area"

means the territory in the counties of Bond, Clinton, Madison, Monroe, Randolph, Washington, Jefferson, Macoupin, Marion, Montgomery, Jersey, Greene, Calhoun, and St. Clair (except Scott Military Reservation, East St. Louis, Centerville and Canteen and Stites Townships and the City of Belleville), all in the State of Illinois.

##### § 947.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk under a dairy farm permit or rating for the production of milk to be used for Grade A distribution issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted pursuant to paragraph (a) or (b) of this section: *Provided*, That no person shall be a producer with respect to milk which is delivered to a milk plant partially exempt from the provisions of this part pursuant to § 947.61.

(a) Diverted for this account by the operator or a pool plant from such plant to a nonpool plant during the months of March through July: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which diverted; or

(b) Diverted by a cooperative association qualified pursuant to § 947.5 for the account of such association from a pool plant to a nonpool plant any day during the months of March through July or not more than 10 days' production during any month from August through February: *Provided*, That milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the plant from which diverted.

##### § 947.8 Distributing plant.

"Distributing plant" means a plant at which milk is processed and packaged and from which milk, skim milk or cream is disposed of during the month as Class I milk in the marketing area to wholesale or retail outlets (except other pool plants) including deliveries by vendors and sales through plant stores.

##### § 947.9 Supply plant.

"Supply plant" means a plant except a distributing plant which is qualified pursuant to the proviso in § 947.10(b) or a plant from which milk or skim milk which is approved for distribution as Grade A milk in the marketing area is supplied during the month to a distributing plant which is a pool plant.

##### § 947.10 Pool plant.

"Pool plant" means:

(a) A distributing plant from which no less than 50 percent of its receipts of approved milk is distributed as Class I milk on routes to wholesale or retail outlets including plant stores and vendors and from which no less than 25 percent of such receipts are distributed as Class I milk during the month on routes to wholesale or retail outlets located in the marketing area.

(b) A supply plant from which no less than 50 percent of its receipts of approved milk during the month is shipped and is assigned as reserve supply credit pursuant to § 947.11 to a distributing

plant which is a pool plant pursuant to paragraph (a) of this section: *Provided, however*, That if such a plant shall ship and have assigned as reserve supply credit pursuant to § 947.10 to a distributing plant which is a pool plant approved milk equal to at least 75 percent of its producer milk in October and November and at least 50 percent of such milk in three additional months during the months of August through January inclusive, such plant shall, unless he requests nonpool status in writing, be designated by the market administrator as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant was disposed of in such a way that it becomes impossible for the plant to re-establish its qualifications under the terms of this proviso.

##### § 947.11 Reserve supply credit.

The hundredweight of reserve supply credit which may be assigned to approved milk transferred to a pool plant shall be an amount calculated for each month as follows: Deduct from the total hundredweight of skim milk and butterfat distributed from the transferee plant as Class I milk on routes to retail or wholesale outlets (including plant stores, but not including pool plants or nonpool plants) an amount calculated by multiplying the hundredweight of producer milk at such plant by 0.85. Any plus figure resulting from this calculation plus reserve supply credit so calculated and assigned to approved milk transferred to other pool plants shall be known as reserve supply credit and shall be assigned pro rata to Class I approved milk received from supply plants: *Provided*, That if the operator of the transferee plant notifies the market administrator in writing on or before the 7th day after the end of the month of an assignment to Class I approved milk received from other plants, other than that specified in this section, such other assignment shall be allowed except that assignment of reserve supply credit to approved milk received from a distributing plant shall not be allowed for any month during which reserve supply credit has been received with respect to approved milk transferred to a distributing plant.

##### § 947.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

##### § 947.13 Handler.

"Handler" means (a) any person in his capacity as the operator of a distributing plant or a supply plant; (b) a producer-handler; or (c) a cooperative association qualified pursuant to § 947.5 with respect to milk from producers diverted for the account of such association from a pool plant to a nonpool plant; (d) a cooperative association, with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative asso-



ciation at the plant to which it is delivered).

#### § 947.14 Producer-handler.

"Producer-handler" means any person who operates a distributing plant and who processes milk from his own farm production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no other source milk or milk from other producers.

#### § 947.15 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 947.7.

#### § 947.16 Approved milk.

"Approved milk" means any skim milk and butterfat contained in producer milk or in milk, skim milk or cream which is received from a pool plant, except the plant of a producer-handler, and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

#### § 947.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 947.41(a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 947.41(b)(1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

#### MARKET ADMINISTRATOR

#### § 947.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

#### § 947.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

#### § 947.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or

such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds received pursuant to § 947.87, the cost of his bond and of the bonds of his employees, his own compensation and all other expenses (except those incurred under § 947.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section and submit such books and records to examination by the Secretary as requested;

(f) Furnish such information and such verified reports as the Secretary may request;

(g) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information;

(h) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 947.30 through 947.33 or payments pursuant to §§ 947.80 through 947.87;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 947.51(a), and the Class I butterfat differential, pursuant to § 947.53(a), both for the current month; and the minimum price for Class II milk, pursuant to § 947.51(b), and the Class II butterfat differential, pursuant to § 947.53(b), both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price, pursuant to § 947.71, and the producer butterfat differential, pursuant to § 947.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association of producers qualified pursuant to § 947.88(b), which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ra-

tio as all approved milk received by such handler during the month.

#### REPORTS, RECORDS AND FACILITIES

#### § 947.30. Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distribution and supply plants of (1) producer milk, (2) skim milk or butterfat contained in Grade A products designated as Class I milk, pursuant to § 947.41(a), received from pool plants, and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 947.6;

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) The name and address of each producer from whom milk was not received during the previous month, and the date on which milk was first received from such producer; and

(e) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer.

#### § 947.31 Reports of milk received from producers.

(a) On or before the 25th day of each month, each handler shall report to the market administrator on forms approved by the market administrator, his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month; and

(b) On or before the 20th day after the end of each month, each handler shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received: (1) The total pounds and butterfat content of milk received from such producer, (2) the price and the total amount paid for milk received from such producer, together with the amount and nature of any deductions, and (3) the amount and nature of payments made pursuant to § 947.86.

#### § 947.32 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 947.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month;



(b) On or before the 7th day of the following month (1) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (2) the amount or rate and nature of deductions, and (3) the amount and nature of payments due pursuant to § 947.86(c).

#### § 947.33 Reports of transportation rates.

On or before the 10th day after a request is received from the market administrator, each handler who makes deductions from payments to producers for hauling shall submit a schedule of transportation rates which are charged and paid for such transportation of milk from the farm of the producer to such handler's plant(s). Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

#### § 947.34 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

#### § 947.35 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers and cooperative associations, and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

#### § 947.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation

or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION OF MILK

##### § 947.40 Basis of classification.

All skim milk and butterfat received by a handler at a pool plant and which is required to be reported pursuant to § 947.30 shall be classified by the market administrator pursuant to the provisions of §§ 947.41 through 947.45.

##### § 947.41 Classes of utilization.

Subject to the conditions set forth in §§ 947.42 and 947.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(1) Disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh, frozen, or sour);

(2) In milk, flavored milk, or flavored milk drinks in concentrated form (fresh or frozen), not sterilized, packaged and disposed of on routes or through plant stores for fluid consumption; and

(3) Not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat accounted for;

(1) As having been used to produce any product other than those specified as Class I in paragraph (a) of this section;

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month;

(3) In shrinkage allocated to receipts of producer milk, but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to § 947.7) plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk tank from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to the pool plants of other handlers; and

(4) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 947.13(d) and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

##### § 947.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler (except a producer-handler) in another class.

##### § 947.43 Transfers.

(a) Skim milk and butterfat disposed of in the form of products designated as

Class I milk pursuant to § 947.41(a) (1) and (2) by transfer from a pool plant to a pool plant of another handler, except a producer-handler, shall be classified as Class I milk unless utilization in another class is mutually indicated in the reports filed with the market administrator by both handlers pursuant to § 947.30 on or before the 7th day after the end of the month within which such transaction occurred, in which case such skim milk and butterfat shall be classified according to such mutual agreement: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 947.45, and transfers of skim milk or butterfat, respectively, in excess of that so remaining shall be assigned to Class I milk: *And provided further*, That if either plant has received other source milk, the products so transferred shall be classified in such a way as to result in the maximum assignment of the producer milk in both plants to Class I milk.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a pool plant to a producer-handler shall be classified as Class I milk.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a pool plant to a nonpool plant shall be classified as Class I milk:

(1) Unless the product is transferred or diverted in bulk form or in producer cans;

(2) Unless the transferee plant is located within the surplus manufacturing area designated for Order No. 3;

(3) Unless the handler claims assignment to Class II, in the report submitted pursuant to § 947.30 or otherwise, on or before the 7th day after the end of the month in which such transaction occurred;

(4) Unless the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(5) To the extent of the quantity of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant:

(ii) From the remainder, subtract the skim milk and butterfat, respectively, received from any plant which is (a) subject to the classification and pricing provisions of another order issued pursuant to the act, and (b) located at a shorter highway distance than the trans-



feror pool plant which is subject to this order.

If any milk is transferred to a second nonpool plant, under paragraph (c) of this section, the same conditions of audit, classification, and allocation shall apply.

**§ 947.44 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and other obvious errors in the reports submitted by each handler and compute the total pounds of skim milk and butterfat respectively in Class I and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

**§ 947.45 Allocation of skim milk and butterfat classified.**

After computing the classification of all skim milk and butterfat for each handler pursuant to § 947.44 the market administrator shall determine the classification of producer milk received by such handler as follows: *Provided*, That in case a plant is receiving and packaging both St. Louis Grade A milk and Illinois Grade A milk the receipts from producers holding St. Louis Grade A permits shall be allocated to the total Class I milk of such plant to the extent that St. Louis Grade A milk is available; *And provided further*, That in case milk is transferred from an Order No. 3 pool plant to a pool plant under this part and classified as Class I, such milk shall not be allocated as other source milk at the pool plant under this part.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 947.41(b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from pool plants of other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 947.41;

(3) Subtract from the pounds of skim milk remaining in Class II the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk which was subject to Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk contained in inventory of products designated as Class I milk in § 947.41(a) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory exceeds the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I;

(6) Subtract from the pounds of skim milk remaining in each class the skim milk received as milk, skim milk or cream from pool plants of other handlers according to its classification pursuant to § 947.43(a);

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, subtract such excesses from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner as prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producers' milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

**MINIMUM PRICE**

**§ 947.50 Basic formula price.**

The basic formula price for each month to be used in determining the class prices, set forth in § 947.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest cent.

(a) Determine the average of the basic or field, prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

**Concern and Location**

Borden Co., Mount Pleasant, Michigan.  
Borden Co., Orfordville, Wisconsin.  
Borden Co., New London, Wisconsin.  
Carnation Co., Ava, Missouri.  
Carnation Co., Seymour, Missouri.  
Carnation Co., Sparta, Michigan.  
Carnation Co., Richland Center, Wisconsin.  
Carnation Co., Oconomowoc, Wisconsin.  
Litchfield Creamery Co., Litchfield, Illinois.  
Pet Milk Co., Greenville, Illinois.  
Pet Milk Co., Wayland, Michigan.  
Pet Milk Co., Coopersville, Michigan.  
Pet Milk Co., New Glarus, Wisconsin.  
Pet Milk Co., Belleville, Wisconsin.  
White House Milk Co., Manitowoc, Wisconsin.  
White House Milk Co., West Bend, Wisconsin.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month, add 20 percent thereof;

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5½ cents and multiply by 7.0.

**§ 947.51 Class prices.**

Subject to the provisions of §§ 947.52 and 947.53, the Class price per hundredweight shall be as follows:

(a) *Class I price.* The Class I price shall be the price announced by the market administrator for Class I milk of 3.5 percent butterfat content, f.o.b. the marketing area for Federal Order No. 3 regulating the handling of milk in the St. Louis marketing area, less 30 cents per hundredweight: *Provided, however*, That if no price is announced for Order No. 3, the following amounts shall be added to the basic formula price and it shall be the price for the appropriate month.

January	-----	\$0.85	July	-----	\$0.85
February	-----	.85	August	-----	.85
March	-----	.85	September	-----	1.15
April	-----	.40	October	-----	1.15
May	-----	.40	November	-----	1.15
June	-----	.40	December	-----	.85

(b) *Class II price.* The Class II price for the months of March through July shall be the price announced by the market administrator for Class II milk of 3.5 percent butterfat content for Federal Order No. 3 regulating the handling of milk in the St. Louis, Missouri marketing area. The Class II price for the months of August through February shall be the price announced by the market administrator for Class II milk of 3.5 percent butterfat content for Federal Order No. 3 regulating the handling of milk in the St. Louis, Missouri marketing area (plus 5 cents per hundredweight): *Provided, however*, That if no price is announced for the St. Louis Order No. 3, the Class II price shall be computed as follows:

(1) For the months of August through February, Class II prices shall be the basic formula price less 6 cents.

(2) For all other months the Class II price shall be an amount calculated as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 93-score bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported for 93-score butter, the highest of the prices reported for 92-score butter for that day shall be used in lieu thereof;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for hu-



man consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(iii) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

#### § 947.52 Location differentials to handlers.

With respect to milk and butterfat contained in milk received from producers at a pool plant located outside of the marketing area and which is classified as Class I the price shall be reduced 6 cents per hundredweight for the first 10 miles and for each additional 10 miles or fraction thereof the price shall be reduced an additional 1 cent per hundredweight. All mileage shall be computed on the shortest hard surface road mileage as computed by the market administrator.

#### § 947.53 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 947.45(a), is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.120 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

#### APPLICATION OF PROVISIONS

##### § 947.60 Producer-handlers.

Sections 947.40 through 947.45, 947.50 through 947.53, 947.70 through 947.71, and 947.80 through 947.88 shall not apply to a producer-handler.

##### § 947.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order

issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 947.10(a) and the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the St. Louis marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisions of § 947.10(b).

##### § 947.62 Handlers operating nonpool plants.

None of the provisions from §§ 947.43 through 947.45, inclusive or from §§ 947.70 through 947.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 15th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and location differentials:

(a) For the months of March through July, the Class II price adjusted by the Class II butterfat differentials; or

(b) For the months of August through February, the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the result by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

#### DETERMINATION OF UNIFORM PRICE TO PRODUCERS

##### § 947.70 Computation of value of milk for each handler.

For each month the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 947.45(c) by the applicable class price, total the resulting amounts and add any amount necessary to reflect adjustments in location differential allowances required pursuant to § 947.52.

(b) Add an amount computed as follows: Multiply the per hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 947.45 (a) (3) and (b) by the price arrived at by subtracting the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and the Class I location differential at the nearest plant(s) from which an equivalent amount of other source milk was received.

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the per hundredweight of producer milk classified as Class II milk (other than approved shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 947.45(a) (5) and the corresponding step of § 947.45(b), whichever is less.

(d) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 947.45 (a) (8) and (b) by the applicable class prices.

##### § 947.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f.o.b. marketing area, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 947.70 for all handlers who made the reports prescribed in § 947.30 and who are not in default of payments pursuant to § 947.84.

(b) Add an amount equivalent to the total deductions made pursuant to § 947.82.

(c) Subtract if the weighted average butterfat content of milk received from producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk.

(d) Add an amount equivalent to one-half of the unobligated balance in the producer-settlement fund.

(e) Divide the resulting amount by the total hundredweight of producer milk.

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight of milk testing 3.5 percent butterfat, f.o.b. the marketing area.

#### PAYMENTS

##### § 947.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundred weight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph:

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differen-



tials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 947.88;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 947.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association qualified pursuant to § 947.5 which has so requested any handler in writing, such handler shall make payment to the cooperative association for milk received during the month from the producer-members of such association as follows:

(1) On or before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from producer-members who did not discontinue delivering milk to such handler before the 25th day of the month, less proper deductions authorized in writing by such cooperative association to be made from payments due pursuant to this subparagraph:

(2) On or before the 14th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer-members during the month, subject to the following adjustments:

(i) Less payments made such cooperative association pursuant to subparagraph (1) of this paragraph;

(ii) Plus or minus adjustments for errors made in previous payments to such cooperative association; and

(iii) Less proper deductions authorized in writing by such cooperative association: *Provided*, That if by such date such handler has not received full payment pursuant to § 947.85 from the market administrator for such month, he may reduce pro rata his payments to the cooperative association by not more than the amount of such underpayment. Payments to the cooperative association shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

#### § 947.81 Butterfat differential to producers.

In making payments for milk received from producers pursuant to § 947.80, the

uniform price shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, an amount equal to the butterfat differential computed pursuant to § 947.53(b).

#### § 947.82 Location differentials to producers.

In making payments for milk received from producers pursuant to § 947.80 the uniform price per hundredweight for milk received at plants located outside the marketing area shall be reduced by 6 cents per hundredweight for the first 10 miles and for each additional 10 miles or fraction thereof the price shall be reduced an additional 1 cent per hundredweight. All mileage shall be computed on the shortest hard surface road mileage as computed by the market administrator.

#### § 947.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund to be known as the "Producer-Settlement Fund"; into which he shall deposit all payments made by handlers pursuant to §§ 947.62, 947.84, and 947.86, and out of which he shall make payments due handlers pursuant to §§ 947.85 and 947.86.

#### § 947.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler, pursuant to Section 947.70, exceeds the obligations of such handler for milk received from producers, pursuant to § 947.80: *Provided*, That to this amount shall be added one-half of 1 percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

#### § 947.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation of such handler for milk received from producers, pursuant to § 947.80, exceeds the value of milk for such handler calculated pursuant to § 947.70, less any unpaid balances due the market administrator from such handler pursuant to §§ 947.84, 947.86, 947.87, or 947.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

#### § 947.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses that money is due (a) the market administrator, or (b) any producer or cooperative association from such handler, the market administrator shall make pay-

ments to such handler of any amounts due the handler, or shall notify the handler of any amount due the market administrator or producers or cooperative associations, and such payments shall be made on or before the next date for making payments as set forth in the provisions relating to the payments which were in error.

#### § 947.87 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month for such month  $2\frac{1}{2}$  cents, or such lesser amount as the Secretary may prescribe, for each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) Grade A other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant.

#### § 947.88 Marketing services.

(a) *Deduction of marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers, pursuant to § 947.80, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers cooperative association.* In the case of producers for whom a cooperative association qualified pursuant to § 947.5 is actually performing the services set forth in paragraph (a) of this section each handler in lieu of the deduction specified in paragraph (a) of this section shall:

(1) If the cooperative association is not receiving payment for its producer-members pursuant to § 947.80(b), make the deductions from the payments made pursuant to § 947.80(a) (2), which are authorized by its producer-members, and pay any money so deducted to the cooperative association on or before the 15th day after the end of the month in which the milk was received from producers.

(2) If the cooperative association is receiving payment for its producer-members pursuant to § 947.80(b), make no marketing service deductions.

#### EFFECTIVE TIME, SUSPENSION, AND TERMINATION

#### § 947.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary



may declare and shall continue in force until suspended or terminated pursuant to § 947.91.

#### § 947.91 Suspension and termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

#### § 947.92 Continuing power and duty.

(a) If, upon the suspension or termination pursuant to § 947.91, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

#### § 947.93 Liquidation after suspension or termination.

Upon the suspension or termination pursuant to § 947.91, the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

#### § 947.100 Unfair methods of competition.

Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods

and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions of this part.

#### § 947.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstance is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

#### § 947.102 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

#### § 947.103 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the amount for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact

material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

Proposed by the Sealtest Foods, Division of National Dairy Products Corporation:

#### Proposal No. 2:

Provide the terms and provisions of a Federal milk marketing order to regulate the handling of milk under a "Suburban St. Louis Milk Market Order" with a "marketing area" designated as follows:

All the territory in the counties of Madison, Bond, Fayette, Monroe, Clinton, Marion, Washington, Jefferson, Randolph, Perry, Franklin, Jackson, Williamson, and St. Clair (except Scott Military Reservation, the city of Belleville, and the townships of East St. Louis, Centreville, Canteen, and Stites), all in the State of Illinois.

Proposed by Midwest Dairy Products:

#### Proposal No. 3:

Include Jackson, Franklin, Williamson and Perry Counties, Illinois, in the marketing area.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 13th day of May 1959.

F. R. BURKE,  
Acting Deputy Administrator.

[F.R. Doc. 59-4161; Filed, May 15, 1959; 8:50 a.m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Notice of Hearing on Proposed Regulations

Proposed regulations under section 1361 of the Internal Revenue Code of 1954, relating to unincorporated business enterprises electing to be taxed as domestic corporations, were published in the *FEDERAL REGISTER* Wednesday, April 8, 1959. One or more interested parties have submitted comments and suggestions pertaining to the proposed regula-



tions, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

A public hearing on the proposed regulations will be held on Thursday, May 28, 1959, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the

Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by May 25, 1959.

[SEAL] MAURICE LEWIS,  
Director, Technical Planning  
Division, Internal Revenue  
Service.

[F.R. Doc. 59-4192; Filed, May 15, 1959;  
8:50 a.m.]

suant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-4166; Filed, May 15, 1959;  
8:50 a.m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

#### BIRCH DOORS FROM CANADA

##### Determination of No Sales at Less Than Fair Value

MAY 8, 1959.

A complaint was received that birch doors manufactured by Canada Flushwood Door Company, Terrebonne, P.Q., Canada, were being sold to the United States at less than fair value within the meaning of the Antidumping Act.

I hereby determine that birch doors manufactured by Canada Flushwood Door Company, Terrebonne, P.Q., Canada, are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* During the period under consideration, approximately two-thirds of the manufacturer's production of birch doors was sold for home consumption, and the balance was sold to the United States on an outright basis. Of the quantity sold to the United States, approximately 90 percent consisted of one type which was identical to one of the types sold in the home market. Two other types sold to the United States in minor quantities were not comparable to any of the types of birch doors sold in the home market.

Accordingly, the fair value comparison for the bulk of the birch doors sold to the United States was between purchase price and the home market price. As to the two types sold to the United States in minor quantities, the fair value comparison was between purchase price and constructed value.

The home market price used for the purpose of the fair value comparison was the carload price less applicable discounts as sales to the United States were in carload quantities. Due allowance was made for the difference between home market and export selling expenses. Included inland freight was deducted. The Canadian market consists of three different areas to each of which different prices and terms apply. As the quantity sold to each area showed no definite preponderance of sales to any one market, a weighted average of the prices to all three markets was taken to arrive at a price which would give the

most realistic comparison with the price to the United States.

There were some sales in which the purchase price was less than the weighted average price, but the quantity involved and the price difference were not more than insignificant. The manufacturer, upon being advised of the price difference, promptly adjusted his price to the United States to eliminate the difference and remove any possibility of future sales to the United States at less than home market price.

In the instances in which constructed value was used for fair value purposes, purchase price was not less than the constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-4165; Filed, May 15, 1959;  
8:50 a.m.]

[AA 643.3]

#### STEEL WELDED PIPE AND TUBING FROM CANADA

##### Determination of No Sales at Less Than Fair Value

MAY 8, 1959.

A complaint was received that API and ASTM steel welded pipe and tubing were being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, by Alberta-Phoenix Tube & Pipe Ltd., Edmonton, Canada.

It has been ascertained that the manufacturer sells only reject or commercial grade pipe and tubing in the United States.

I hereby determine that reject or commercial grade pipe and tubing from Alberta-Phoenix Tube & Pipe Ltd., Edmonton, Canada, are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons.* The purchase price was found to be not less than the home market price of comparable merchandise when sold on the same basis.

This determination and the statement of reasons therefor are published pur-

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

#### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of survey and subdivision of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. June 1, 1959:

SEWARD MERIDIAN

Township 16 North, Range 4 West,  
Section 1, containing 517.09 acres.

2. The land is located within the Big Lake Area approximately 15 miles northwest of Anchorage, Alaska. The North half of the section contains a meandered lake; a small lake is also located in the southeast portion of the section. The terrain ranges from level muskeg marshes to rolling hills. The hills are covered with generally small birch, spruce and a few cottonwood. The soil is generally sandy loam.

3. The following land is withdrawn by Public Land Order 1552 dated November 7, 1957 from all forms of appropriation including the mining but not the mineral leasing laws and reserved under the jurisdiction of the Secretary of the Interior for Administration, conveyance or other disposition in accordance with provisions of the Act of May 4, 1956 (70 Stat. 130) as amended by the Act of Aug. 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

Township 16 North, Range 4 West,  
Sec. 1,  
Lot 4, 3.51 acres;  
Lot 5, 6.89 acres;  
Lot 14, 12.03 acres.

Comprising a total of 22.43 acres.

4. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph 1 of this order and not withdrawn by paragraph 3, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudi-



cated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified veterans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on June 1, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on August 31, 1959, will be governed by time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on August 31, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on August 31, 1959.

5. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

IRVING W. ANDERSON,  
Manager.

[F.R. Doc. 59-4134; Filed, May 15, 1959;  
8:45 a.m.]

## ALASKA

### Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. Plat of survey of the lands described below will be officially filed in the An-

chorage Land Office, Anchorage, Alaska effective at 10:00 a.m. June 1, 1959.

#### SEWARD MERIDIAN

Township 7 North, Range 11 West, Sections 1 through 8, 17, 19, 20, 29 through 32, comprising 8,352.95 acres.

2. The land is located in the Kenai, Alaska area. The terrain is nearly level to rolling in the southern and central portion, with low rolling hills in the northern part. The soil is sandy loam and covered with a mixed stand of spruce, birch, cottonwood and undergrowth of berry bushes. Generally, the land appears suitable for agricultural use.

3. The following lands were withdrawn by Public Land Order 1552 dated November 7, 1957, from all forms of appropriation including the mining but not the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for administration, conveyance or other disposition in accordance with the provisions of the Act of May 4, 1956 (70 Stat. 130) as amended by the Act of August 30, 1957 (71 Stat. 510):

#### SEWARD MERIDIAN

Township 7 North, Range 11 West,

Sec. 2, Lot 4, 0.65 acres.

Sec. 3, Lot 1, 1.06 acres.

Sec. 5, Lot 11, 7.11 acres; Lot 12, 5.79 acres.

Sec. 8, Lot 4, 14.10 acres.

Sec. 17, Lot 3, 15.71 acres;  $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ ;  $SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ;  $W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ . Comprising a total of 94.42 acres.

4. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph 1 of this order and not withdrawn by paragraph 3, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified veterans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on June 1, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right ap-

plications filed after that hour and before 10:00 a.m. on August 31, 1959, will be governed by time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on August 31, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on August 31, 1959.

5. Persons claiming veterans' preference rights under paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

IRVING W. ANDERSON,  
Manager.

[F.R. Doc. 59-4135; Filed, May 15, 1959;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

### CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

#### Notice of Proposed Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue Amendment No. 1, set forth below, to Construction Permit No. CPPR-1 unless within 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The proposed amendment would (1) increase the allocation of special nuclear material to Consolidated Edison Company of New York, Incorpo-



rated, for use through 1998 in connection with operation of its reactor to be located at Indian Point, New York, from 5,699 kilograms of contained uranium 235 to 9,934 kilograms of contained uranium 235, (2) amend the schedule of transfers of special nuclear material between the Company and the Commission, and (3) extend the latest completion date for the reactor for an additional year to October 1, 1961.

The Commission has found that the applicant is financially qualified to assume financial responsibility for the payment of Commission charges for the special nuclear material proposed to be furnished by the Commission and to undertake and carry out the proposed use of such material for a reasonable period of time. It has also found that proposed design changes in the core provide good cause for amending the special nuclear material allocation and schedule of transfers and that these design changes along with the applicant's requirements for additional programs of research and development provide good cause for extending the latest completion date. The Commission has found, further, that issuance of the amendment will not result in undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

For further details see the application for amendment dated February 24, 1959, and supplement thereto dated April 13, 1959 submitted by Consolidated Edison Company of New York, Incorporated, on

file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 11th day of May 1959.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of -  
Licensing and Regulation.

[Construction Permit No. CPPR-1; Amdt. 1]

Condition (1) of Construction Permit No. CPPR-1 is hereby amended by changing the second sentence thereof to read as follows:

The latest date for completion of the reactor is October 1, 1961.

The final paragraph of Construction Permit No. CPPR-1 is hereby amended to read as follows:

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Consolidated, for use in connection with the operation of the reactor, 9,934 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in Consolidated's application for license. An estimated schedule of special nuclear material transfers to Consolidated and returns to the Commission are contained in Appendix A which is attached hereto. Deliveries by the Commission to Consolidated in accordance with column (2) in Appendix A will be conditioned upon Consolidated's return to the Commission of special nuclear material substantially in accordance with column (3) of Appendix A.

Appendix A to Construction Permit No. CPPR-1 is hereby amended to read as follows:

AMENDED APPENDIX "A" TO CONSOLIDATED EDISON COMPANY OF NEW YORK, INCORPORATED  
CONSTRUCTION PERMIT NO. CPPR-1

Estimated Schedule of Transfers of Special Nuclear Material from Consolidated to the Commission and to the Commission from Consolidated

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to Consolidated kilograms U-235	(3) Returns by Consolidated to AEC, kilograms U-235		(4) Net yearly distribution, kilograms U-235	(5) Cumulative distribution, kilograms U-235
		Cold	Irradiated		
1950	1,425	181		1,425 (181)	1,425
1951					1,244
1952					1,244
1953	1,295			1,295 (860)	2,539
1954		165	695		1,679
1955	1,295			1,295 (860)	2,974
1956		165	695		2,114
1957	1,295			1,295 (860)	3,409
1958		165	695		2,549
1959	1,295			1,295 (860)	3,844
1960		165	695		2,984
1961	1,295			1,295 (860)	4,279
1962		165	695		3,419
1963	1,295			1,295 (860)	4,714
1964		165	695		3,854
1965	1,295			1,295 (860)	5,149
1966		165	695		4,289
1967	1,295			1,295 (860)	5,584
1968		165	695		4,724
1969	1,295			1,295 (860)	6,019
1970		165	695		5,159
1971	1,295			1,295 (860)	6,454
1972		165	695		5,594
1973	1,295			1,295 (860)	6,889
1974		165	695		6,029
1975	1,295			1,295 (860)	7,324
1976		165	695		6,464
1977	1,295			1,295 (860)	7,759
1978		165	695		6,899
1979	1,295			1,295 (860)	8,194
1980		165	695		7,334
1981	1,295			1,295 (860)	8,629
1982		165	695		7,769
1983	1,295			1,295 (860)	9,064
1984		165	695		8,204
1985	1,295			1,295 (860)	9,499
1986		165	695		8,639
1987	1,295			1,295 (860)	9,934
1988		165	695		9,074
1989					
1990					
1991					
1992					
1993					
1994					
1995					
1996					
1997					
1998					
	24,735	3,151	12,510	9,074	

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

[F. R. Doc. 59-4130; Filed, May 15, 1959; 8:45 a.m.]

## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

[BDSA Delegation 6, Revocation]

#### CIVIL AERONAUTICS ADMINISTRATION

#### Delegation of Authority To Make Allotments of Controlled Materials and To Apply DO Ratings and Allotment Numbers

##### REVOCATION

BDSA Delegation 6 (formerly NPA Delegation 6; 16 F.R. 8296) is hereby revoked. This revocation does not affect the validity of any action taken pursuant to said delegation prior to the effective date of this revocation.

This revocation shall take effect May 13, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,  
H. B. McCoy,  
Administrator.

[F.R. Doc. 59-4147; Filed, May 15, 1959; 8:48 a.m.]

[BDSA Delegation 8, Revocation]

#### DELEGATION OF AUTHORITY TO THE SECRETARY OF STATE

##### Revocation

BDSA Delegation 8 (formerly NPA Delegation 8; 16 F.R. 1509) is hereby revoked. This revocation does not affect the validity of any action taken pursuant to said delegation prior to the effective date of this revocation.

This revocation shall take effect May 13, 1959.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,  
H. B. McCoy,  
Administrator.

[F.R. Doc. 59-4148; Filed, May 15, 1959; 8:48 a.m.]

[BDSA Delegation 12, Revocation]

#### OFFICE OF INTERNATIONAL TRADE

#### Delegation of Authority To Make Allotments and Assign Ratings

##### REVOCATION

BDSA Delegation 12 (formerly NPA Delegation 12; 16 F.R. 4909, 16 F.R. 6152) is hereby revoked. This revocation does not affect the validity of any action taken pursuant to said delegation prior to the effective date of this revocation.



This revocation shall take effect May 13, 1959.

**BUSINESS AND DEFENSE SERVICES ADMINISTRATION,**  
**H. B. McCoy,**  
*Administrator.*

[F.R. Doc. 59-4149; Filed, May 15, 1959;  
8:48 a.m.]

**Office of the Secretary**  
**GEORGE W. FLANAGAN**

**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of May 6, 1959.

GEORGE W. FLANAGAN.

MAY 6, 1959.

[F.R. Doc. 59-4150; Filed, May 15, 1959;  
8:48 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket Nos. 12825, 12826; FCC 59M-603]

**BINDER-CARTER-DURHAM, INC., AND HERBERT T. GRAHAM**

**Order Continuing Hearing**

In re applications of Binder-Carter-Durham, Inc., Lansing, Michigan, Docket No. 12825, File No. BP-11565; Herbert T. Graham, Lansing, Michigan, Docket No. 12826, File No. BP-12526; for construction permits for new standard broadcast stations.

Because of the prospective consolidation of another application now pending before the Commission: *It is ordered*, This 7th day of May 1959, that the hearing now scheduled for June 10, 1959 is continued to a date to be set by subsequent order.

Released: May 8, 1959.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] **MARY JANE MORRIS,**  
*Secretary.*

[F.R. Doc. 59-4153; Filed, May 15, 1959;  
8:49 a.m.]

[Docket No. 12777; FCC 59M-605]

**SEASIDE BROADCASTING CO. (KSRG)**

**Order Scheduling Prehearing Conference**

In re application of Ronald L. Rule, John P. Gillis and James L. Dennon, d/b as Seaside Broadcasting Company (KSRG), Seaside, Oregon, Docket No.

12777, File No. BP-11200; for construction permit.

The Hearing Examiner having under consideration the Motion For Continuance filed in the above-entitled proceeding on April 23, 1959, by Seaside Broadcasting Company;

It appearing, that by order of April 9, 1959, the hearing was continued without date and accordingly the said motion for continuance is moot:

*It is ordered*, This 7th day of May 1959, that the said motion for continuance IS DISMISSED as moot;

*It is further ordered*, That a prehearing conference in accordance with § 1.111 of the Commission's rules will be held herein at 10:00 a.m., June 11, 1959, in the offices of the Commission at Washington, D.C.

Released: May 8, 1959.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] **MARY JANE MORRIS,**  
*Secretary.*

[F.R. Doc. 59-4154; Filed, May 15, 1959;  
8:49 a.m.]

[Docket No. 12808; FCC 59M-607]

**EASTON BROADCASTING CO.**

**Order Rescheduling Hearing**

In re application of Richard S. Cobb and Mary Cobb, d/b as Easton Broadcasting Co., Easton, Maryland, Docket No. 12808, File No. BP-12011; for construction permit for a new standard broadcast station.

Upon verbal request of counsel for the Broadcast Bureau, and with the consent of counsel for Richard S. Cobb and Mary Cobb, d/b as Easton Broadcasting Co.: *It is ordered*, This 8th day of May 1959, that the hearing now scheduled in this proceeding for June 5, 1959, be, and the same is hereby, rescheduled for June 4, 1959, at 10:00 a.m. in the Commission's offices, Washington, D.C.

Released: May 8, 1959.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] **MARY JANE MORRIS,**  
*Secretary.*

[F.R. Doc. 59-4155; Filed, May 15, 1959;  
8:49 a.m.]

[Docket Nos. 12833, 12834; FCC 59M-609]

**GEORGE T. HERNREICH AND PATTESON BROTHERS**

**Order Continuing Hearing**

In re applications of George T. Hernreich, Jonesboro, Arkansas, Docket No. 12833, File No. BPCT-2538; Alan G. Patteson, Jr. and Mathew Carter Patteson, d/b as Patteson Brothers, Jonesboro, Arkansas, Docket No. 12834, File No. BPCT-2567; for construction permits for new television broadcast stations (Channel 8).

*It is ordered*, This 8th day of May 1959, that, pursuant to agreement of counsel

arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding, presently scheduled to commence on June 9, 1959, is continued to September 16, 1959, at 10 o'clock a.m., in Washington, D.C.

Released: May 11, 1959.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] **MARY JANE MORRIS,**  
*Secretary.*

[F.R. Doc. 59-4156; Filed, May 15, 1959;  
8:49 a.m.]

[Docket No. 12860 etc.; FCC 59M-619]

**WILLIAM PARMER FULLER, III, ET AL.**

**Order Scheduling Prehearing Conference**

In re applications of William Parmer Fuller, III, Salt Lake City, Utah, Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, Docket No. 12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNÜ), Logan, Utah, Docket No. 12863, File No. BP-12017; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 12th day of May 1959, that all parties or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., June 8, 1959.

Released: May 12, 1959.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] **MARY JANE MORRIS,**  
*Secretary.*

[F.R. Doc. 59-4157; Filed, May 15, 1959;  
8:49 a.m.]

[Docket No. 12318; FCC 59M-618]

**TELEMUSIC CO.**

**Order Continuing Hearing**

In re application of Richard C. Simonton, d/b as Telemusic Co., San Bernardino, California, Docket No. 12318, File No. BPH-2188; for construction permit.

The Hearing Examiner having under consideration motion for continuance filed by Richard C. Simonton, d/b as Telemusic Co., on May 1, 1959;

It appearing, that the time has expired within which an opposition may be filed to the above motion, and that no opposition has been received;

*It is ordered*, This 12th day of May 1959, that the motion is granted; and the dates designated for various procedural steps herein are postponed as follows:



	From—	To—
Date for exchange of exhibits constituting direct case.	May 4, 1959	June 4, 1959
Date for exchange of any rebuttal exhibits and notification of witnesses desired for cross-examination on direct case.	June 4, 1959	July 6, 1959
Notification of witnesses desired for cross-examination on rebuttal case.	June 10, 1959	July 10, 1959
Hearing date.	June 15, 1959	July 15, 1959

Released: May 12, 1959.

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.[F.R. Doc. 59-4158; Filed, May 15, 1959;  
8:49 a.m.]

[Docket Nos. 12814, 12815; FCC 59M-615]

VOICE OF THE NEW SOUTH, INC.  
(WNSL) AND SOUTHLAND BROADCASTING CO. (WLAU)

## Order Continuing Hearing

In re applications of: Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Docket No. 12814, File No. BP-11916; Southland Broadcasting Company (WLAU), Laurel, Mississippi, Docket No. 12815, File No. BMP-8053; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance" filed by applicant Southland Broadcasting Company (WLAU) on May 11, 1959, requesting that each of the procedural dates now applicable to the further proceedings in the above-captioned matter be continued for a period of 7 days; and

It appearing, that applicant Voice of the New South, Inc. (WNSL) has under study engineering data with a view to ascertaining the feasibility of a solution of the conflict between the respective applications herein which will eliminate the need for the comparative hearing, and that it is anticipated the study will be completed within a period of one week from May 12, 1959; and

It further appearing, that counsel for the other parties herein have indicated that they interpose no objection to the granting of this petition, and have waived the 4-day requirement of § 1.43 of the Commission's Rules so as to permit prompt consideration of the petition; and

It further appearing, that good cause has been shown for granting the "Petition for Continuance" in all respects by adoption of the new dates proposed in the fourth paragraph thereof;

Accordingly, it is ordered, This 12th day of May 1959, that the above-described petition of Southland Broadcasting Company is granted, and that the dates heretofore fixed for the further proceedings specified below are continued as follows:

	From—	To—
Preliminary (informal) exchange of engineering exhibits.	May 12, 1959	May 19, 1959
Final exchange of engineering exhibits.	May 26, 1959	June 2, 1959
Exchange of nontechnical (comparative) exhibits.	June 2, 1959	June 9, 1959
Commencement of the formal hearing.	June 16, 1959	June 23, 1959

Released: May 12, 1959.

## FEDERAL COMMUNICATIONS

## COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.[F.R. Doc. 59-4159; Filed, May 15, 1959;  
8:49 a.m.]

[Docket Nos. 12636, 12637; FCC 59M-588]

## FRANK JAMES AND SAN MATEO BROADCASTING CO.

## Order Continuing Hearing

In re applications of Frank James, Redwood City, California, Docket No. 12636, File No. BPH-2344, Grant R. Wrathall, tr/as San Mateo Broadcasting Company, San Mateo, California, Docket No. 12637, File No. BPH-2431; for construction permits.

The Hearing Examiner having under consideration a motion for continuance for a period of thirty days filed by Frank James on May 1, 1959;

It appearing that the further hearing is now scheduled for May 11, 1959, but that additional time is needed for completion of both engineering and nontechnical exhibits; and

It further appearing that the other parties have consented to the request as well as to a waiver of the four-day rule:

It is ordered, This 5th day of May 1959, that the motion of Frank James for continuance is granted and the hearing is continued from May 11 to June 15, 1959.

Released: May 6, 1959.

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.[F.R. Doc. 59-4160; Filed, May 15, 1959;  
8:49 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 70]

## WESTERN MOTOR TARIFF BUREAU, INC.

## Application for Approval of Agreement

MAY 13, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed May 8, 1959 by: W. J. Knoell, Attorney-in-Fact, Western Motor Tariff Bureau, Inc., P.O. Box 1296, Huntington Park, Calif.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Western Motor Tariff Bureau, Inc., relating to joint consideration in establishing or changing rates, classifications, ratings, rules, regulations, and practices governing the transportation of property be-

tween points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

The complete application may be inspected at the office of the Commission in Washington, D.C.

\* Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,  
Secretary.[F.R. Doc. 59-4151; Filed, May 15, 1959;  
8:48 a.m.]

[Notice 122]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62136. By order of May 12, 1959, the Transfer Board approved the transfer to McKinley Auto Transport, Inc., of Pittsburgh, Pa., of Certificates Nos. MC 100337, MC 100337 Sub 14, MC 100337 Sub 19, MC 100337 Sub 22, and MC 100337 Sub 25, issued February 6, 1940, August 10, 1949, June 27, 1949, November 22, 1949, and March 5, 1959, respectively, in the name of Sam McKinley doing business as McKinley Driveaway Company, of Kalamazoo, Mich., authorizing the transportation of taxicabs and busses, driveaway, between Kalamazoo, Mich., on the one hand, and Chicago, Ill., Minneapolis, Minn., Pittsburgh, Pa., New York, N.Y., and Boston, Mass., on the other; used, wrecked, and reconditioned taxicabs, by driveaway; busses, taxicabs, tractors, and trailers, in initial movements, in driveaway and truckaway service, bodies and cabs; trucks, in both initial and secondary movements, by driveaway; trucks in secondary movements, in driveaway service; bus and truck chassis, in initial movements, in driveaway and truckaway service; and automobiles, in initial movements, in



driveaway service—from and between Kalamazoo, Mich., and to points in the United States; trailers designed to be drawn by passenger automobiles, in initial movements in truckaway service, from Berrion Springs, Mich., to points in the U.S. and from Hastings and Williamston, Mich., to all points in the U.S., with damaged and rejected shipments of new trailers from points in the U.S. to Hastings and Williamston, Mich.; trucks, in secondary movements, in driveaway service, from Kalamazoo and points within one mile thereof to points in California, Idaho, Nevada, Oregon, and Washington; and substitution in Docket No. MC 100337. Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa., for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4152; Filed, May 15, 1959;  
8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1659]

### NORTH AMERICAN EXPLORATION CO., INC.

#### Notice of and Order for Hearing

MAY 11, 1959.

I. North American Exploration Co., Inc. (issuer), a Washington corporation, 417 Paulsen Building, Spokane 1, Washington, filed with the Commission on February 26, 1959 a notification on Form 1-A and an offering circular relating to a proposed offering of 3,000,000 shares of its 10 cent par value common stock, at 10 cents a share, for an aggregate offering of \$300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on April 2, 1959 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Federal Building, Spokane, Washington, at 10:00 a.m., P.s.t., June 4, 1959, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the conditional exemption provided by Regulation A is not available for the securities purported to be offered in that:

1. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The failure to disclose adequately the nature and outcome of operations by the issuer, its predecessors, and others on the issuer's mining properties;

b. The failure to disclose adequately the material terms of the issuer's mining leases and purchase agreements, particularly, the amount of royalties payable thereunder and the total costs to the issuer of these mining properties and the payments due thereon;

c. The failure to disclose adequately the background and capabilities of the management of the issuer, particularly, as to the persons under whose direction the activities at the properties will be conducted;

d. The failure to disclose adequately (1) Information about the type, condition, and capacity of the issuer's mill, and (2) The justification for the proposed expenditures on the issuer's mill in light of the amount of known ore;

e. The failure to include adequate financial statements, particularly, a statement of cash receipts and disbursements of the issuer's predecessors;

f. The inclusion as an asset in the financial statement of \$149,215.93, a substantial portion of which represents the par value of shares issued to promoters and predecessors for mineral property rights, such amount being arbitrary and having no relation to the nominal cost actually paid for such leases by the promoters and predecessors;

g. The failure to disclose that since 1942 there have been substantial increases in the costs of operating mines and mills similar to those on the issuer's properties while the price of gold has remained at \$35 an ounce.

2. The offering would be made in violation of section 17 of the Act.

B. Whether the order dated April 2, 1959 temporarily suspending the exemption under Regulation A should be vacated or made permanent.

III. It is further ordered, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on North American Exploration Co., Inc., that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or other-

wise wishes to participate in such hearing shall file with the Secretary of the Commission on or before June 1, 1959, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-4138; Filed, May 15, 1959;  
8:46 a.m.]

[File No. 70-3791]

### AMERICAN NATURAL GAS CO. ET AL.

#### Notice of Filing of Declaration Regarding Agreement Providing for Allocation of Consolidated Federal Income Tax Liability

MAY 11, 1959.

In the matter of American Natural Gas Company, Michigan Consolidated Gas Company, Milwaukee Gas Light Company, Michigan Wisconsin Pipe Line Company, American Louisiana Pipe Line Company, Milwaukee Solvay Coke Company, American Natural Gas Production Company, American Natural Gas Service Company; File No. 70-3791.

Notice is hereby given that American Natural Gas Company, a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Company, Milwaukee Gas Light Company, Michigan Wisconsin Pipe Line Company, American Louisiana Pipe Line Company ("American Louisiana"), Milwaukee Solvay Coke Company, American Natural Gas Production Company, and American Natural Gas Service Company, have filed with this Commission a joint declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal to enter into an agreement providing for the allocation of their consolidated Federal income tax liabilities; and have designated section 12(b) of the Act and Rule 45(a) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Declarants, who as a group join in the filing of consolidated Federal income tax returns, propose to enter into an agreement governing the allocation among the group of its consolidated Federal income tax liabilities in a manner different from that allowed by the exemptive provisions of Rule 45(b)(6). In connection with the proposed tax agreement the filing states that \$29,803,943 of the cost of facilities completed by American Louisiana in 1956 and 1957 is eligible for accelerated amortization of emergency facilities under a Necessity Certificate; that pursuant to section 168 of the Internal Revenue Code of 1954, American Louisiana has elected to amortize such cost for tax purposes over the years 1956 to 1962, inclusive; and that the inclusion of such amortization deductions in the consolidated tax returns of the American Natu-



ral group gives rise to certain inequities in the allocation of the consolidated tax liabilities among the members of the group if effected in accordance with the exemptive provisions of Rule 45(b) (6). Accordingly, the members of the group propose to enter into an agreement providing that, beginning with the tax return for 1956 and thereafter, the consolidated tax liabilities of the group will be allocated (1) by computing the consolidated tax as though American Louisiana had not elected to use the accelerated amortization privilege for Federal income tax purposes, and (2) by allocating to American Louisiana any decrease or increase in such tax due to such accelerated amortization of emergency facilities.

The joint declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the fees and expenses to be incurred in connection with such transactions are estimated by declarants at \$4,500 consisting of counsel fees of \$2,500, accountants' fees of \$1,000, and charges of the system service company, American Natural Gas Service Company, of \$1,000.

Notice is further given that any interested person may not later than May 25, 1959, request in writing that a hearing be held in respect of such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should

the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may permit the joint declaration, as filed or as it may be amended, to become effective, as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act, as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission,

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-4139; Filed, May 15, 1959;  
8:46 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MAY

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